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**STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - CHANCERY DIVISION**

**THE PEOPLE OF THE STATE OF ILLINOIS,** )  
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 )  
 **Plaintiff,** )  
 )  
 )  
 **v.** )  
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 )  
 **TIKTOK INC., a California Corporation;** )  
 )  
 )  
 **TIKTOK U.S. DATA SECURITY INC., a Delaware** )  
 **Corporation;** )  
 )  
 )  
 **TIKTOK LLC, a Delaware Corporation;** )  
 )  
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 )  
 **TIKTOK PTE. LTD., a Singapore Company;** )  
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 **TIKTOK LTD., a Cayman Islands Company;** )  
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 **BYTEDANCE INC., a Delaware Corporation; and** )  
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 )  
 **BYTEDANCE LTD., a Cayman Islands Company,** )  
 )  
 )  
 )  
 **Defendants.** )

**No. 2024CH09302**  
  
**Calendar 8**

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

NOW COMES the Plaintiff, the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, and brings this action for injunctive and other relief against TIKTOK INC., a California Corporation; TIKTOK U.S. DATA SECURITY INC., a Delaware Corporation; TIKTOK LLC, a Delaware Corporation; TIKTOK PTE. LTD., a Singapore Company; TIKTOK LTD., a Cayman Islands Company; BYTEDANCE INC., a Delaware Corporation; and BYTEDANCE LTD., a Cayman Islands Company, for violations of the Illinois Consumer Fraud and Deceptive Business Practices Act (the “Consumer Fraud Act”), 815 ILCS

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505/1 *et seq.*, and the Illinois Uniform Deceptive Trade Practices Act (the “Uniform Deceptive Trade Practices Act”), 815 ILCS 510/1 *et seq.*

### NATURE OF THE CASE

1. Over the past several years, few social media services have captured as much time and attention among U.S. teens as the eponymous platform operated by TikTok Inc.,<sup>1</sup> along with its parent and affiliate entities named as Defendants in this action (collectively, “Defendants”). Through their creation and deployment of the TikTok Platform (or the “Platform”), Defendants have developed a product that is addictive to youth and includes design elements that prey upon young people’s unique psycho-developmental vulnerabilities, overriding young users’ autonomy to decide how much time to spend on the Platform. Defendants’ business model depends on keeping users on-Platform for as long as possible, in order both to show them more ads and to catalog their data (which, in turn, facilitates the sale of more-targeted advertising opportunities). In service of this business model, Defendants perniciously employ an arsenal of addictive-by-design features specifically tailored to exploit, manipulate, and capitalize on the nascent state of young users’ developing brains, harvesting their data to exploit vulnerabilities unique to each young user. Defendants’ own research and studies of their product inform them that their product is harmful to youth. But rather than making their product safe or disclosing to young users or their parents the Platform’s harms, of which Defendants are aware, Defendants choose to mislead the public about the Platform.

2. Defendants’ internal information, known to them for years, reveals that excessive, compulsive, and addictive use of the TikTok Platform is harmful to children and teenagers. Outside of the United States, Defendant ByteDance Ltd.—the ultimate parent company of all other

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<sup>1</sup> See Monica Anderson *et al.*, *Teens, Social Media and Technology 2023*, PEW RESEARCH CTR. (Dec. 11, 2023), <https://archive.ph/LwGpW>.

Defendants named herein—actively strives to protect children from those harms by, for example, purveying a different version of the Platform intended to be more protective of minors (i.e., users under the age of 18, also referred to herein as “young users”). Defendants have every ability to provide a similar version of the Platform to young users across the United States, yet they have failed to do so.

3. In the United States, Defendants specifically target children (i.e., individuals under the age of 13) and teenagers (i.e., individuals aged 13 to 17) with algorithmic models and Platform features designed to keep these young users on the TikTok Platform for as long as possible. Defendants’ executives and employees admit that they target young Americans, stating:

- A. “It’s better to have young people as an early adopter, especially the teenagers in the U.S. Why? They [*sic*] got a lot of time.”<sup>2</sup>
- B. “Teenagers in the U.S. are a golden audience . . . . If you look at China, the teenage culture doesn’t exist — the teens are super busy in school studying for tests, so they don’t have the time and luxury to play social media apps.”<sup>3</sup>

4. Defendants believe that the Platform can be harmful to American children and teenagers. Indeed, Defendants admit:

- A. “The product in itself has baked into it compulsive use.”
- B. “The reason kids watch TikTok is because the algo[rithm] is really good. . . . But I think we need to be cognizant of what it might mean for other opportunities. And

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<sup>2</sup> Andrew Brown, *Musical.ly’s Alex Zhu on Igniting Viral Growth and Building a User Community 2016*, YOUTUBE, at 5:01 (Feb. 17, 2022), <https://tinyurl.com/4cvptpxx> (last accessed Oct. 7, 2024).

<sup>3</sup> Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y. TIMES (Aug. 9, 2016), <https://archive.ph/xZNRp>.

when I say other opportunities, I literally mean sleep, and eating, and moving around the room, and looking at somebody in the eyes.”

5. Despite Defendants’ full knowledge of the Platform’s potential to engender serious harm for young users—including sleep deprivation, depression, anxiety, self-harm, suicide, and death—Defendants deliberately and successfully target minors as the core demographic for the Platform. As a result, young American users utilize the Platform at extremely high rates, while Defendants reap the financial benefit of their commodification of young people’s time and attention.

6. Defendants deceptively market the Platform to conceal what they know and believe about the potential harmful effects to minors. They lure children and teenagers with misrepresentations about the Platform, and fail to disclose material information about the harms they believe can result from using the Platform and how they design the Platform to induce young users’ excessive, compulsive, and addictive use of the Platform.

7. In response to criticism from users, parents, the public, and politicians, Defendants recently implemented certain tools that they claim help users to address issues like excessive time spent on the Platform. But Defendants’ representations about these tools are misleading because they know that the tools are ultimately ineffective.

8. In addition to being deceptive, Defendants’ conduct in targeting children and teenagers with what they have evidence showing and believe to be a harmful and addictive product is an unfair business practice under Illinois consumer protection laws.

9. Through this action, the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois (the “Attorney General”) seek to enforce state consumer protection laws to stop Defendants from unlawfully capitalizing on young users’ psycho-developmental vulnerabilities to subvert and exploit their autonomy, resulting in young users’ excessive and

compulsive use of the TikTok Platform. The Attorney General thus seeks to hold Defendants accountable for unfairly and deceptively designing, operating, and marketing the TikTok Platform to ensnare and addict young users in Illinois.

### **PUBLIC INTEREST**

10. The Illinois Attorney General believes this action to be in the public interest of the citizens of the State of Illinois because Defendants engaged, and continue to engage, in unlawful acts and practices that violate Illinois law. Accordingly, the Attorney General brings this lawsuit pursuant to the Consumer Fraud Act and the Uniform Deceptive Trade Practices Act. *See* 815 ILCS 505/7(a).

### **JURISDICTION AND VENUE**

11. This Complaint for Injunctive and Other Relief (hereinafter the “Complaint”) is brought for and on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, pursuant to the provisions of the Consumer Fraud Act, 815 ILCS 505/1 *et seq.*, the Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 *et seq.*, and his common law authority as Attorney General to represent the People of the State of Illinois.

12. This Court has original jurisdiction over this action pursuant to the Illinois Constitution, Article VI, Section 9.

13. This Court has jurisdiction over all Defendants because each Defendant markets its services throughout Illinois and intentionally avails itself of the markets of Illinois, in connection with marketing and operation of the Platform, including by:

- A. Conducting operations out of multiple facilities within Illinois, including a 30,000-square-foot space located in Chicago’s Fulton Market District and a Data Center in the Chicago metropolitan area;

- B. Entering into contracts with the 6.2 million residents and 280,000 businesses in Illinois that actively use TikTok, including contracts relating to Defendants' marketing and operation of the Platform, and the use of the Platform by Illinois users;
- C. Maintaining a sales tax account with the Illinois Department of Revenue;
- D. Engaging in systematic, repeated outreach to the Illinois Parent-Teacher Association and various Illinois politicians, relating to Defendants' marketing and operation of the Platform; and
- E. For each of Defendants TikTok Inc. and ByteDance Inc., registering as a foreign corporation with the Illinois Secretary of State with an agent in Springfield.

14. Venue for this action properly lies in Cook County, Illinois, pursuant to Section 2-101 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-101, in that Defendants are nonresidents of Illinois and therefore this action may be brought in any county. Further, some of the transactions complained of herein, out of which this action arises, occurred in Cook County.

**PARTIES**

*PLAINTIFF*

15. This action is brought by and through the Illinois Attorney General, on behalf of the People of the State of Illinois, pursuant to his authority to enforce the Consumer Fraud Act, 815 ILCS 505/1 *et seq.*, and the Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 *et seq.* These laws authorize the Attorney General to seek injunctive and other equitable relief, as well as restitution, civil penalties, attorneys' fees, expenses, and costs.

*DEFENDANTS*

16. Defendant TikTok Inc. is a California corporation with its principal place of business at

5800 Bristol Parkway, Culver City, California 90230.

17. Defendant TikTok U.S. Data Security Inc. is a Delaware corporation with its principal place of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230. Defendant TikTok Inc. wholly owns Defendant TikTok U.S. Data Security Inc.

18. Defendant TikTok LLC is a Delaware limited liability company with its principal place of business at 5800 Bristol Parkway, Culver City, California 90230. Defendant TikTok LLC wholly owns Defendant TikTok Inc.

19. Defendant TikTok Pte. Ltd. is a company incorporated in Singapore with its principal place of business in Singapore at 1 Raffles Quay, #26-10, Singapore 048583.

20. Defendant TikTok Ltd. is a company incorporated in the Cayman Islands with its principal place of business in Shanghai, China. Defendant TikTok Ltd. wholly owns Defendant TikTok LLC and Defendant TikTok Pte. Ltd.

21. Defendant ByteDance Inc. is a Delaware corporation with its principal place of business at 1199 Coleman Avenue, San Jose, California 95110.

22. Defendant ByteDance Ltd. is the ultimate parent company of all other Defendants. It is incorporated in the Cayman Islands, and its principal place of business is in Beijing, China.

23. Each of the Defendants has jointly advertised, marketed, developed, and distributed the TikTok social media application and Platform to consumers throughout the United States since 2017. Each Defendant has actively formulated, participated in, approved, directed, or otherwise controlled the acts or practices referenced throughout the Complaint.

24. Defendants, while nominally separate entities on paper, are all intimately involved in operating the TikTok Platform.

25. Although Defendant TikTok Inc. is incorporated in the United States, it is led by an executive team based not only in the United States but also in Singapore and China.

26. Employee roles within and among the Defendant entities are often blurred—so much so, in fact, that Defendant TikTok Inc. represents that it has not created or maintained an organizational chart because its employees do not have formal titles and their responsibilities between organizations are fluid.<sup>4</sup> Some former employees have even stated they were unsure which Defendant entity they actually worked for.

27. Because Defendants’ corporate boundaries are porous and permeable, employees of all Defendant entities work together to operate and market the Platform.

28. All of Defendants’ employees use a shared internal messaging system, Lark, where they can engage in one-on-one and group chats with each other regardless of their formal company affiliation.<sup>5</sup> Defendants’ employees use Lark to discuss specific features on the TikTok Platform.

29. Employees from the various Defendant entities contributed to internal documents discussing so-called “safety features” for young Americans on the Platform.

30. According to a 2023 report submitted to the Australian Senate Select Committee on Foreign Interference through Social Media, one ByteDance insider described Defendant TikTok Inc. as “not developed enough to be a self-contained business unit. Therefore . . . TikTok draws on personnel, experience, and methods of ByteDance’s Douyin app, software, and commercial model to achieve ‘technology accumulation and business breakthroughs.’”<sup>6</sup>

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<sup>4</sup> See Roger Chen & Rui Ma, *How ByteDance Became the World’s Most Valuable Startup*, HARV. BUS. REV. (Feb. 24, 2022), <https://archive.ph/08sj1>.

<sup>5</sup> Sapna Maheshwari & Ryan Mac, *Driver’s Licenses, Addresses, Photos: Inside How TikTok Shares User Data*, N.Y. TIMES (May 24, 2023), <https://archive.ph/hQEtW>.

<sup>6</sup> Rachel Lee *et al.*, *TikTok, ByteDance, and Their Ties to the Chinese Communist Party*, at p. 42 (March 14, 2023).



31. The report concluded that Defendant ByteDance Ltd.’s management considers the subsidiary entities named herein as Defendants to be “interchangeable.”<sup>7</sup>

32. Prominent leaders of Defendant TikTok Inc. state on their public LinkedIn profiles that they are employed by “ByteDance/TikTok.”<sup>8</sup>

33. Defendant TikTok Inc.’s CEO, Shou Chew—who is also paid by Defendant ByteDance Ltd.—stated to Congress on March 23, 2023, that employees of Defendant ByteDance Ltd. work on the TikTok Platform and that he personally uses Lark to communicate “with employees at ByteDance [Ltd.]”<sup>9</sup>

34. Chew himself reports to the CEO of Defendant ByteDance Ltd.<sup>10</sup>

35. Defendants ByteDance Ltd. and TikTok Ltd. are intimately involved in making decisions about the TikTok Platform, even though the Platform is unavailable in China. Upon information and belief, Defendants ByteDance Ltd. and TikTok Ltd. even retain authority to approve or deny implementation of the TikTok Platform’s so-called “safety features.”

36. Employees of Defendants ByteDance Ltd. and TikTok Ltd. also routinely sign contracts on behalf of Defendant TikTok Inc.

37. Further, Defendant TikTok Ltd. is listed as the TikTok Platform’s developer, and Defendant TikTok Pte. Ltd. as the Platform’s seller, on the Apple App Store.<sup>11</sup> Similarly, the TikTok Platform’s listing on Google Play identifies Defendant TikTok Pte. Ltd. as the entity responsible for the application.<sup>12</sup>

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<sup>7</sup> *Id.* at p. 43.

<sup>8</sup> *See id.*

<sup>9</sup> *TikTok: How Congress Can Safeguard American Data Privacy and Protect Children from Online Harms Before H. Comm. on Energy and Commerce*, 118th Cong. at p. 96 (2023) (statement of Shou Chew, Chief Executive Officer, TikTok Inc.), <https://tinyurl.com/bd6ccw9t>.

<sup>10</sup> *See id.* at p. 95–96.

<sup>11</sup> *TikTok*, Apple App Store, <https://tinyurl.com/yun74ed3> (last accessed Oct. 7, 2024).

<sup>12</sup> *TikTok*, Google Play Store, <https://tinyurl.com/4nuwxkxh> (last accessed Oct. 7, 2024).

38. The Defendants together operate as a common enterprise, including while engaging in the unfair, deceptive, and other unlawful acts and practices alleged below.

39. Treating each Defendant as separate and distinct from one another, when in fact they operate as a common enterprise in furtherance of Defendants' unlawful business scheme, would serve to sanction fraud and promote injustice.

40. As the Defendants have operated as a common enterprise, such that agency and/or alter-ego relationships have formed, this Court has jurisdiction over each Defendant, and each Defendant is liable for all of the conduct alleged herein.

### TRADE AND COMMERCE

41. Section 1(f) of the Consumer Fraud Act defines "trade" and "commerce" as follows:

The terms "trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State.<sup>13</sup>

42. Defendants have engaged and continue to engage in conduct that constitutes, is in connection with, or affects "trade" and "commerce," as those terms are defined by Illinois law.

43. Defendants enter into contracts with millions of users throughout Illinois. Although users can establish accounts on the Platform without paying a fee, the Platform's services are by no means free. Defendants charge their Platform's users by collecting their time and data—including users' locations and behaviors—which are then converted into advertising dollars for Defendants.<sup>14</sup> This is outlined in the Platform's Terms of Service, which provide, in relevant part: "You acknowledge and agree that [TikTok] may generate revenues, increase goodwill or otherwise

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<sup>13</sup> 815 ILCS 505/1(f).

<sup>14</sup> See *Terms of Service*, TIKTOK, <https://tinyurl.com/bdhhdnse> (last accessed Oct. 7, 2024).

increase our value from your use of the [s]ervices . . . through the sale of advertising, sponsorships, promotions, usage data and [g]ifts.”<sup>15</sup>

44. Defendants also offer several resources for businesses to advertise on the Platform.<sup>16</sup> Through TikTok’s Business Center, Ad Manager, Creator Marketplace, Business Account, and the TikTok Shop,<sup>17</sup> Defendants not only sell advertising space to marketers but also provides tools that allow businesses to tailor messages and ads to specific locations.<sup>18</sup>

45. Defendants offer cross-platform advertising with Shopify, another e-commerce platform, selling ads for products that are available for purchase on the TikTok Platform without Shopify users ever needing to leave the TikTok Platform.<sup>19</sup>

46. Defendants generate substantial and increasing revenue annually by sending targeted advertisements to their Platform’s users.

47. Defendants also offer their Platform’s users “TikTok Rewards,” a referral rewards program that can be redeemed for U.S. currency. Users may earn a referral reward when they invite a new user who creates a TikTok account. Once the new user account is created, both the new and referring users may earn referral rewards when the new user participates in certain video-watching tasks.<sup>20</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> *See TikTok for Business*, TIKTOK, <https://tinyurl.com/yc7wu4zt> (last accessed Oct. 7, 2024).

<sup>17</sup> *See TikTok Business Center*, TIKTOK, <https://business.tiktok.com/> (last accessed Oct. 7, 2024).

<sup>18</sup> *See Location Targeting*, TIKTOK, <https://tinyurl.com/6hm8btns> (last accessed Oct. 7, 2024).

<sup>19</sup> *See About TikTok App on Shopify*, TIKTOK, <https://tinyurl.com/37kxy4vf> (last accessed Oct. 7, 2024); *see also TikTok Shop*, SHOPIFY HELP CENTER, <https://tinyurl.com/yv7vd34v> (last accessed Oct. 7, 2024).

<sup>20</sup> *See Benefits & Rewards*, TIKTOK, <https://tinyurl.com/y8ssuf7s> (last accessed Oct. 7, 2024).

48. Finally, Defendants encourage and provide tools for users to engage in e-commerce themselves. “TikTok Shop” allows small businesses and global brands alike to advertise and sell goods, which users can purchase directly through the Platform.<sup>21</sup>

### **DEFENDANTS’ UNFAIR AND DECEPTIVE BUSINESS ACTS AND PRACTICES**

49. In the course of trade or commerce in the State of Illinois, Defendants engaged in acts or practices that violate Illinois law. Defendants’ unlawful conduct is ongoing.

#### **I. Defendants entered the U.S. market and experienced explosive growth following their acquisition of an application popular with children.**

50. In September 2016, ByteDance Ltd.—the ultimate parent company of all other Defendants named in this Complaint—released its first social media platform, Douyin, in China through a subsidiary (one that is not a Defendant in this action). The Douyin platform allows users to create and post short videos and watch videos uploaded by other users.

51. Seeking to expand internationally, ByteDance Ltd. released a separate and distinct version of the Douyin app, called “TikTok,” for users outside of mainland China in 2017.

52. ByteDance Ltd. entered the American market in December 2017 by acquiring Musical.ly, a social media application launched in 2014 that allowed users to create and post short videos of themselves lip-syncing and dancing to popular songs.<sup>22</sup>

53. Musical.ly was particularly trendy among American teens.<sup>23</sup> It had at least 60 million (mostly U.S.) users,<sup>24</sup> with a significant percentage of them being children under the age of 13.<sup>25</sup>

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<sup>21</sup> See *TikTok Shop*, TIKTOK, <https://seller-us.tiktok.com/> (last accessed Oct. 7, 2024).

<sup>22</sup> See Paul Mozur, *Musical.ly, a Chinese App Big in the U.S., Sells for \$1 Billion*, N.Y. TIMES (Nov. 10, 2017), <https://archive.is/5DYdN>.

<sup>23</sup> See Paresh Dave, *China’s ByteDance Scrubs Musical.ly Brand in Favor of TikTok*, REUTERS (Aug. 2, 2018), <https://archive.ph/pSWkQ>.

<sup>24</sup> See Jon Russell & Katie Roof, *China’s Bytedance Is Buying Musical.ly in a Deal Worth \$800M-\$1B*, TECHCRUNCH (Nov. 9, 2017), <https://archive.ph/tXnYT>.

<sup>25</sup> See Complaint ¶¶ 12–23, *United States v. Musical.ly, et al.*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019) (hereinafter “Musical.ly Complaint”).

At the time, ByteDance Ltd. paid approximately \$1 billion to acquire Musical.ly and, consequently, the accounts and content of its millions of users.<sup>26</sup>

54. In August 2018, ByteDance Ltd. merged the Musical.ly application with the TikTok application under the TikTok name and began operating as TikTok.<sup>27</sup>

55. Shortly thereafter, in February 2019, Musical.ly—which, by that time, was known and operating as TikTok—paid the FTC \$5.7 million to settle allegations that Musical.ly violated the Children’s Online Privacy Protection Act (“COPPA”), a federal law designed to protect children online, by illegally collecting and using personal information from children without parental consent.<sup>28</sup>

56. TikTok’s COPPA violations fueled the Platform’s growth and immense popularity because the lack of effective age verification made it easier for children under the age of 13 to sign up and consume content. Additionally, those same users generated more posts for Defendants to take advantage of by engaging existing users and attracting new users to the Platform.

57. In March 2019, the month after their FTC settlement, Defendants bifurcated the TikTok Platform into “Kids Mode” (intended for use by children who report their age as under 13) and the original, standard version of the Platform (hereinafter “Standard Mode”), which Defendants call the “full” or “13+ experience” (available to everyone who reports their age as 13 or older).

58. Kids Mode is a TikTok experience for “younger users” featuring “limited content, no access to [direct messages], no ability to comment, and no ability to upload content,” as well as other restrictions.

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<sup>26</sup> See Mozur, *supra* n.22.

<sup>27</sup> See Musical.ly Complaint at ¶ 23, *supra* n.25; see also Dave, *supra* n.23.

<sup>28</sup> See Press Release, Fed. Trade Comm’n, *Video Social Networking App Musical.ly Agrees to Settle FTC Allegations That it Violated Children’s Privacy Law* (Feb. 27, 2019), <https://archive.is/qW4Kq>.

59. TikTok collects personal data from users in both the Kids Mode and Standard Mode experiences.

60. Defendants remain highly incentivized to keep young people on the Platform. An internal review of user engagement noted that, “[a]s expected, across most engagement metrics, the younger the user the better the performance.”

61. According to internal data from 2019, users aged 14 and under consume more videos per user per day than any other age group on the TikTok Platform.

62. One 2019 internal presentation states that the Platform’s “ideal user composition” would be for 82% of its users to be under the age of 18.

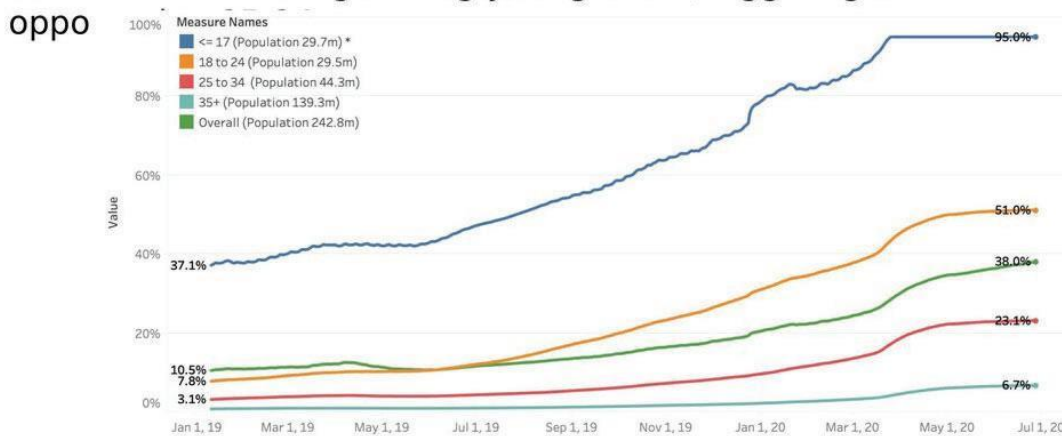
63. Defendants consider users under the age of 13 to be a critical demographic, believing these users will progress to using the Standard Mode of the Platform “after they grow up.”

64. With a continued focus on young people, TikTok’s growth in the United States exploded. Through at least 2020, the Platform’s user growth in the United States was primarily driven by users aged 17 and under.

65. And indeed, Defendants’ internal data estimated that, at that time, 95% of Americans between the ages of 13 and 17 who used a smartphone were on the Platform on at least a monthly basis:

## MAU Market Penetration

We have hit a ceiling among young users, biggest growth



\* <= 17 Penetration capped at 95%

6 Penetration: MAU / Smartphone Population

66. In 2023, 63% of all Americans aged 13 to 17 who responded to a Pew Research survey reported using the TikTok Platform, and most teenagers in the U.S. were using the Platform daily; 17% of American teens said that they were on the TikTok Platform “almost constantly.”<sup>29</sup>

## II. The TikTok Platform leverages young users’ personal data and a variety of Platform features to manipulate them into spending more time on the Platform than they would otherwise choose.

### A. Defendants target young users for their Platform.

67. To drive growth and revenue in the United States, Defendants strategically design and deploy exploitative and manipulative features to addict young users and maximize their time on the TikTok Platform.

68. The fact of young users’ prolonged, habitual, and compulsive experiences with TikTok are the natural and predictable consequence of Defendants’ actions. Indeed, pushing to maximize

<sup>29</sup> See Anderson, *supra* n.1.

young users' repeated and extended use of the TikTok Platform is a central pillar in Defendants' growth strategy.

69. Defendants intentionally designed the TikTok Platform to capture as much of its users' time and attention as possible, and they admit that "[t]he advertising-based business model encourages optimization for time spent in the app."

70. The more time users spend on the Platform, the more ads they watch, and, in turn, the more ad revenue Defendants enjoy.

71. But it is not just any user the Defendants have sought to attract to their Platform; Defendants have long prioritized maximizing the amount of time that teenagers in particular spend on the Platform.

72. Defendants have focused on young users because they are more easily manipulated into staying for long periods on the Platform. Internal documents note that young users are "more easily persuaded" than adults, that they "likely don't understand risks of unhealthy usage as well as older users," and that they "are particularly sensitive to reinforcement in the form of social reward and have minimal ability to self-regulate effectively."

73. Defendants have conducted extensive internal research on young users. They have found that people under the age of 18 who used the TikTok Platform average 106 minutes per day and spent 25% more time on the Platform than their adult counterparts.

74. Defendants track metrics to measure the Platform's ability to maximize use by young people, such as: the number of young people who use the Platform (both Daily Active Users, or "DAUs," and Monthly Active Users, or "MAUs"); the amount of time young people spend watching videos on the Platform; the number of videos young people watch; and retention rates



(i.e., whether young people keep coming back to the Platform). Defendants use this information to feed the Platform’s algorithms and further increase young user engagement.

75. Defendants also target American children under the age of 13 with their Kids Mode version of the Platform.

76. Defendants have tested and redesigned different Kids Mode features with the goal of maximizing the amount of time that children under the age of 13 spend on the Platform.

77. After testing one Kids Mode feature that caused a 15.5% increase in the amount of time children spent watching videos on Kids Mode, Defendants hailed the tests as having “yielded very positive results.”

78. When considering a redesign of Kids Mode, Defendants expressly stated that their “[s]uccess metric[]” is their ability to increase children’s usage, as measured by the number of video views by children, the amount of time children spend watching videos, and other similar metrics.

79. Defendants’ efforts to maximize usage of the TikTok Platform by American teenagers and children have been successful. The TikTok application is now American teens’ “primary social app of choice.”<sup>30</sup>

**B. Defendants designed the TikTok Platform using features that promoted excessive, compulsive, and addictive use.**

80. Defendants created Platform features known by Defendants to cause excessive, compulsive, and addictive use, despite Defendants’ understanding that young people are more susceptible to—and are acutely harmed by—those features.

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<sup>30</sup> See Andrew Hutchinson, *New Survey Underlines TikTok’s Popularity with Teen Users*, SOC. MED. TODAY (Nov. 7, 2022), <https://archive.ph/gzD1P>.

81. Defendants’ algorithms and design decisions are intended to cause young users to compulsively spend increasing amounts of time on the TikTok Platform.

82. Defendants outfitted the Platform with features that their own employees describe as “coercive design tactics” that are particularly effective at enticing younger users, who, as Defendants’ employees admit, “have minimal ability to self-regulate effectively.”

83. Defendants’ design choices exploit the neurotransmitter dopamine, which helps humans feel pleasure as part of the brain’s reward system to encourage reinforcement. Dopamine “rewards” can lead to addictive behavior, particularly when rewards are unpredictable.

84. Unpredictably delivered dopamine hits, known as “intermittent variable rewards” (“IVRs”) or simply “variable rewards,” are particularly effective at influencing human behavior. A report about the negative impacts of persuasive digital design strategies on children’s development called *Disrupted Childhood* (which Defendants had in their research, and which was co-authored by Alexandra Evans, who subsequently became a lead executive for Defendants on child safety) explained how variable rewards produce dopamine rushes:

Variable rewards hold a special thrill, as the user anticipates a reward that they know could come but is tantalisingly just out of reach. A gambler waiting to see where the roulette wheel will stop or a viewer watching a presenter’s dramatic pause before they announce a winner. In both cases, the individuals experience a dopamine rush as they anticipate the unknown outcome.<sup>31</sup>

85. The anticipation of the reward, not just the reward itself, drives compulsive behavior and unhealthy habit formation.<sup>32</sup> As Defendants know, “[o]nce the reward has been absorbed, the dopamine fades leaving the desire for more.”<sup>33</sup>

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<sup>31</sup> See Baroness Kidron *et al.*, *Disrupted Childhood: The Cost of Persuasive Design*, 5RIGHTS FOUNDATION (June 2018) at p. 20, <https://tinyurl.com/ymzaffdw> (last accessed Oct. 7, 2024) (hereinafter “*Disrupted Childhood*”).

<sup>32</sup> See, e.g., Christopher D. Fiorillo, et al., *Discrete Coding of Reward Probability and Uncertainty by Dopamine Neurons*, 299 *Sci.* 1898 (2003); Jakob Linnet, *Neurobiological Underpinnings of Reward Anticipation and Outcome Evaluation in Gambling Disorder*, 8 *Frontiers Behav. Neuroscience* 100 (2014); Ruth J. van Holst *et al.*, *Distorted expectancy coding in problem gaming: is the addictive in the anticipation?*, 71 *Biological Psychiatry* 741 (2012).

<sup>33</sup> See *Disrupted Childhood*, *supra* n.31, at p. 20.

86. Defendants successfully harness this well-researched phenomenon to fuel excessive, compulsive, and addictive use of their Platform while knowing that the prospect of an *unpredictable* dopamine “reward”<sup>34</sup> is even more addicting than consistent dopamine “rewards.”

87. To that end, the Platform deploys IVRs to its users.

88. As the *Disrupted Childhood* report notes, younger users of the Platform find it especially difficult “to ignore the prospect of a dopamine reward, even when this conflicts with other essential daily activities, such as sleeping or eating.”<sup>35</sup>

89. Defendants know that minors are particularly susceptible to compulsive use of their Platform.

90. A report commissioned by Defendants corroborates that young, developing brains are vulnerable to harmful addictive behaviors:

[I]f adapting to physical changes poses a new set of challenges to the developing young person, the rapid development of the brain brings additional and perhaps greater ones. In healthy development, the Limbic system of the brain (which regulates emotion and feelings of reward) undergoes dramatic changes between [the] ages of 10-12 years. These changes then interact with the pre-frontal cortex of the brain (the judgement centres) to promote novelty seeking behaviour, risk-taking and interactions with peers. In simple terms, this means there is a phase of intense emotion, whilst judgment can appear to be less acute, as those ‘judgement centres’ of the brain are being revised. . . . [UNICEF] describes early adolescence as a time of rapid learning and brain development, which facilitates increases in sensation-seeking, motivation for social relations and sensitivity to social evaluation[.]<sup>36</sup>

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<sup>34</sup> See Stephanie Watson, *Dopamine: The Pathway to Pleasure*, HARV. MED. SCH. (July 20, 2021), <https://archive.ph/P1n6d>.

<sup>35</sup> See *Disrupted Childhood*, *supra* n.31, at p. 20 (citing Ben Carter *et al.*, *Association Between Portable Screen-Based Media Device Access or Use and Sleep Outcomes*, 170 JAMA PEDIATRICS 12, 1202–08 (2016)).

<sup>36</sup> See Zoe Hilton *et al.*, *Exploring Effective Prevention Education Responses to Dangerous Online Challenges*, (Praesidio Safeguarding, November 2021), <https://tinyurl.com/2p9m6kpc> (last accessed Oct. 7, 2024).

91. As the *Disrupted Childhood* report found, “[c]hildren’s predilection to seek immediate gratification makes them particularly susceptible to habit-forming rewards”<sup>37</sup>—a susceptibility that Defendants exploit for greater profits.<sup>38</sup>

92. The unpredictable “rewards” that the TikTok Platform provides—such as “Likes” (received when a user clicks a heart-shaped button on a video); “Follows” (a user’s decision to “follow” another user’s account); and “Comments” (user comments to posts on the Platform)—are social rewards.

93. Defendants know from their internal research that young users “are particularly sensitive to reinforcement in the form of social reward.” Defendants leverage this sensitivity and dole out social rewards to keep young users on the Platform for longer periods of time.

94. Minors are especially susceptible to becoming addicted to the Platform because younger brains have not had as much time to develop as those of adults.

95. Defendants knowingly take advantage of this vulnerability, admitting that “minors do not have executive function to control their screen time” and are therefore less likely to self-regulate their usage of the Platform, which, in turn, makes them more vulnerable to compulsive use thereof. And young users’ addiction to TikTok is the natural and predictable result of Defendants’ design strategy.

**C. Defendants use the Recommendation System to induce excessive, compulsive, and addictive use by serving an infinite stream of new and algorithmically diversified content to users.**

96. The central feature of the TikTok Platform is its Recommendation System, which is a complex set of algorithms that powers the “For You” feed—the endless stream of videos, served

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<sup>37</sup> See *Disrupted Childhood*, *supra* n.31, at p. 20 (citing Amelia Tait, *Pushier Notifications: How Social Media Is Getting More Invasive*, NEW STATESMAN, June 28, 2017).

<sup>38</sup> See Mansoor Iqbal, *TikTok Revenue and Usage Statistics (2024)*, BUSINESS OF APPS, Feb. 22, 2024, <https://archive.ph/BW1Y7>.

uniquely to each user, that is “central to the TikTok experience.” Defendants’ Recommendation System merely predicts how to maximize user engagement; it does not determine what users subjectively want to see.

97. Defendants claim that the Platform’s “For You” feed, by way of its underlying Recommendation System, presents its users “with a stream of videos curated to [their] interests” and “delivers content to each user that is likely to be of interest to that particular user,” in furtherance of “TikTok’s mission [] to inspire creativity and bring joy.”<sup>39</sup>

98. It is a common misconception that the Recommendation System can detect and identify both the substantive content of the videos on the TikTok Platform and its users’ subjective enjoyment thereof.

99. In reality, the Recommendation System can neither detect what a video is about nor identify why a user might decide to watch—or, for that matter, skip—a video.

100. Rather, the algorithms comprising the Recommendation System are designed and trained to optimize for user engagement.

101. The Recommendation System, taken as a whole, is therefore *content-agnostic*: the underlying algorithmic models do not know or understand the nuances of the content served thereby, nor do the algorithms know or understand the nuances of any given user’s taste in content.

102. Indeed, internal documents describe the Recommendation System as “content-neutral,” with one presentation summarizing its functionality as follows:

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<sup>39</sup> *How TikTok Recommends Videos #ForYou*, TIKTOK (June 18, 2020), <https://archive.is/1UXvf>.

## Recommendation: Capabilities Summary

The recommendation engine is content-neutral, meaning that it recommends content based on behavioral and certain device signals, not on the semantic nature of the content itself.

What the recommendation engine does	What the recommendation engine doesn't do
<ul style="list-style-type: none"><li>• Given one user and many videos, the recommendation engine can <b>predict the likelihood</b> of different user engagements with a video</li><li>• An algorithm to blend these engagement likelihoods to <b>rank the videos</b></li></ul>	<ul style="list-style-type: none"><li>• Does <b>not</b> promote or suppress particular political agendas, views, or content</li><li>• Does <b>not</b> use signals to infer someone's race, ethnicity, sexual orientation, or political affiliation or beliefs</li><li>• Does <b>not</b> "understand" content</li></ul>

103. In other words, as described internally by one employee, the Recommendation System “would not ‘know’ to concentrate content based on a shared trait” when the “shared trait” in question is a subjective “preference for specific types of content.”

104. Instead, the Recommendation System relies on the recognition and iteration of patterns of engagement with the Platform (e.g., clicking the “Like” button on a video, watching a video in its entirety, etc.) to show each user the sequences of videos that have the highest probability of driving that user’s further engagement with the Platform.

105. The role of users’ engagement history as “input” data for Defendants’ Recommendation System is integral to its operation, as these data enable the Recommendation System to serve users an endless feed of the videos most likely to induce their further engagement, based on data trends in that user’s engagement history that overlap with data trends in the engagement history of other users.

106. A user’s engagement history is comprised of every “user action” that has been taken on that account.

107. User actions include indicia of both active engagement (e.g., commenting on a video, scrolling past a video so as to skip it, etc.) and passive engagement (e.g., watching a video in its entirety, lingering on another user’s account page without clicking anything, etc.).

108. Each user action generates a “feature” (hereinafter “Data-Point Feature”<sup>40</sup>), i.e., a data point representing a discrete, quantifiable property that has been translated into a format that allows it to be processed algorithmically.

109. In the context of user engagement history, each Data-Point Feature represents a unique interaction between a user and a video.

110. The Recommendation System is able to find “the hidden representations between users and videos”—that is, the complex and intricate patterns in user engagement, as quantified by the Data-Point Features that are generated with each user action.

111. Defendants’ systems are able to synthesize all of the information leveraged by the Recommendation System—i.e., the entire corpus of data representing users’ interactions with the Platform, as well as the respective weights assigned to each Data-Point Feature—in order to generate a score that indicates “the probability of specific user actions (e.g., the probability this user U will like this item I)” on a user-by-user, video-by-video basis.

112. The result of Defendants’ system is a unique “score” for each video in each user’s candidate pool of videos. This score represents:

a weighted sum of the predictions of different engagements:  
 $\text{weight}(\text{like}) * \text{prediction}(\text{like}) + \text{weight}(\text{finish}) * \text{prediction}(\text{finish})$   
 $+ \text{weight}(\text{comment}) * \text{prediction}(\text{comment}) + \dots$ ”

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<sup>40</sup> For the sake of clarity, the word “feature,” when used as a term-of-art to refer to the data points representing user actions (as described in Paragraph 108), will be replaced with “Data-Point Feature” throughout this Complaint.

113. The score represents the probability of that particular video inducing that particular user's further engagement with the Platform.

114. The videos with the greatest scores "will rank highest in the ranking order of content selection to be recommended to the user's feed."

115. As a result, each user's feed is comprised of a tailor-made sequence of videos that have the highest likelihood of keeping that particular user engaged with the Platform, regardless of *why* that user might be inclined to engage.

116. The Data-Point Features representing a user's engagement history offer no insight into the specific substance of any given video or the actual content preference of any given user. As such, the Recommendation System cannot be said to capture users' "interests" and "preference(s) for specific types of content." The Recommendation System uses user engagement history only to drive further engagement with the Platform without regard to any users' actual, subjective desires or preferences.

117. Defendants' employees, including those working on the Recommendation System, understand that the three greatest measures of the company's success are: (1) attracting users, (2) retaining users, and (3) keeping them on the Platform for longer and longer. Defendants set forth these goals in an internal "Onboarding Presentation" that describes the "[g]oals of the recommendation system" to be how long users spend on the TikTok Platform and how often they engage with it:

### Goals of the recommendation system

- Ultimate goal of the system is to increase **DAU** (Daily Active Users): attract new users and retain existing users (**retention**)
- App **playtime** is regarded as a similar indicator as retention
- Video views
- Interactions: like, comment, share, etc



**D. Defendants employ additional features and design elements to manipulate young users into compulsive and excessive use.**

118. Defendants have built specific features to increase young users' time spent on the Platform, which—independently and together—create the compulsive use, excessive use, and addiction that harm Defendants' young users. These features increase users' time on Defendants' Platform and promote unhealthy use regardless of the content.

*1. "Effects"*

119. Defendants' Platform contains filters, or "Effects," which allow users to alter their appearance in photos and videos. As described in Paragraphs 169 through 195, these "Effects" can incentivize young users to alter their appearance in images and videos in ways that mimic cosmetic surgery and/or foster unrealistic beauty standards, among other body dysmorphic impacts that are known to harm self-esteem and induce negative body image.

120. Because Defendants know these "Effects" features significantly increase usage of the Platform, particularly among young users, it retains these features despite knowing that they can harm young users. Indeed, when Defendants experimented with removing one of the beauty filters in TikTok LIVE, viewers' engagement dropped and TikTok Creators (the Platform's users who post videos or livestream) livestreamed less.

*2. Autoplay*

121. When a user launches the TikTok Platform, a video automatically begins to play in the user's For You feed. This feature, called "Autoplay," is designed to immediately grab the user's attention and immerse them into the Platform. Defendants internally tested Autoplay and determined that it boosted user engagement and use of the Platform. To manipulate users into compulsively spending more time on the Platform, Defendants do not allow them to disable Autoplay.

122. Defendants deploy Autoplay to exploit young users' novelty-seeking minds and especially strong desire to see new activity—vulnerabilities that Defendants have studied—by continuously

playing new and only temporarily viewable image and video posts to keep young users on their Platform as long as possible.

123. Much like “Infinite Scroll,” Autoplay encourages young users to continuously remain on the Platform because it does not require user intervention to choose to view the next video, eliminating user autonomy to make a choice. The video is already loaded and the user need only swipe up. This reduces so-called “friction” in the user experience (*i.e.*, something that slows down a user from performing an action), and by default and by design, young users are kept on the Platform for longer periods of time.

### 3. *Endless or Infinite Scroll*

124. Another feature that removes friction—and thereby increases addiction—is endless scrolling, also referred to as “Infinite Scroll.” Whenever a user watches a video on the Platform’s For You feed, they can endlessly and seamlessly move from one video to the next simply by swiping up.

125. Defendants designed Infinite Scroll to endlessly load and serve new videos for the user to view as the user scrolls through their feed, removing any need to take action beyond a simple swipe to view more videos. As a user scrolls through their feed, the Platform continuously and perpetually feeds more videos to the user.

126. Endless scrolling compels young users to spend more time on the Platform by making it difficult to disengage.<sup>41</sup> It strips away a natural stopping point or opportunity to turn to a new activity.<sup>42</sup> This perpetual stream is designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause, reconsider or leave.”<sup>43</sup> The user’s experience is a bottomless “flow state” that fully immerses users, distorts their perception of time, and has been shown to be

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<sup>41</sup> See *Why We Can’t Stop Scrolling*, GCFGLOBAL, <https://tinyurl.com/5pwchy5t> (last accessed Oct. 7, 2024).

<sup>42</sup> See *id.*

<sup>43</sup> See Von Tristan Harris, *Smartphone Addiction: The Slot Machine in Your Pocket*, SPIEGEL INT’L (July 27, 2016), <https://tinyurl.com/mdp3hwej> (last accessed Oct. 7, 2024).

associated with problematic use of social media platforms.<sup>44</sup> Defendants know that “continuous scroll [and] few or no breaks between content” contributes to users’ challenges in managing their time spent on the Platform.

#### 4. *TikTok Stories and TikTok LIVE*

127. The ephemeral aspects of TikTok Stories, content that vanishes two hours after being posted, and TikTok LIVE, a livestreaming service within the Platform, are designed to encourage young users to compulsively return to the Platform by exploiting young users’ uniquely sensitive “fear of missing out” (“FOMO”).

128. TikTok Stories allows users to post short videos that vanish after 24 hours.<sup>45</sup> By design, this rapidly disappearing content pressures young users to check the TikTok Platform more frequently. Defendants represent that TikTok Stories are meant to “inspir[e] audiences to check on their favorite creators daily to never miss a thing.” Product managers intended it to “create[] new triggers for users to open TikTok.”

129. Defendants similarly sought to leverage young users’ “FOMO” with the TikTok LIVE feature.<sup>46</sup> By default, LIVE content—livestreamed videos and real-time interaction with TikTok users—is available only once: while the creator livestreams. Young users must tune in immediately or lose the opportunity to interact.

130. Defendants compound the urgency to immediately view LIVE videos with push notifications designed to get young users back on the Platform to watch the livestreamed videos, even if they occur at inappropriate times, such as during school.

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<sup>44</sup> See Nino Gugushvili *et al.*, *Facebook Use Intensity and Depressive Symptoms: A Moderated Mediation Model of Problematic Facebook Use, Age, Neuroticism, and Extraversion*, 10 *BMC Psych.* 1, 3 (Nov. 28, 2022); Christopher L. Heffner, *Doomscrolling: The Ultimate Negative Flow State and Four Ways to Counter It*, ALLPSYCH (Nov. 26, 2022), <https://archive.ph/LpVWN>; Hannah Jantos, *The Psychology of TikTok: Why You Can’t Stop Scrolling*, SOC. FIXATION (Sept. 20, 2022), <https://archive.ph/HQJ2J>.

<sup>45</sup> See *TikTok Stories*, TIKTOK, <https://tinyurl.com/57nw6bat> (last accessed Oct. 7, 2024).

<sup>46</sup> See Laura Marciano *et al.*, *The Developing Brain in the Digital Era: A Scoping Review of Structural and Functional Correlates of Screen Time in Adolescence*, 12 *Frontiers Psych.*, 1 (Aug. 2021).

131. Defendants viewed LIVE as a key part of their effort to increase user engagement. They believed they could “[b]uild stronger creator <math>\diamond</math> follower relationships on LIVE, with a heavy emphasis on creating sticky [meaning habit-forming] viewing experiences such as subs[criptions].”

##### 5. *Push Notifications*

132. Notifications are integral to Defendants’ business goal of prolonging youth time spent on their Platform. Notifications are TikTok-generated signals displayed on a user’s device with TikTok-created messages that alert a user of activity on the Platform to prompt a return to or continued use of the app. These notifications contain messages crafted and sent by Defendants without third-party involvement. By default, Defendants enable a range of audio and visual “push notifications” when the app is installed on a smartphone.

133. The Platform’s push notifications alert young users on their smartphones and desktops even when the Platform is not open, including when the device is not being used.

134. Defendants purposefully and carefully designed these notifications, including how they are “pushed” and displayed, to increase young users’ time spent on the Platform by taking advantage of well-understood neurological and psychological phenomena, including sensory stimuli like sounds and vibrations that trigger sudden dopamine releases, youth’s particularly acute social sensitivity, and young people’s fear of missing out on seeing new activity.<sup>47</sup> These notifications include buzzes, lights, sounds, and onscreen messages with the goal of drawing young users’ attention to their phones and desktops, and ultimately to the TikTok Platform.

135. Push notifications are accompanied by a “badge,” a red circle sitting atop the TikTok application icon on the user’s smartphone, to further draw the user’s attention. The badge remains until the user opens the TikTok Platform.

136. Defendants’ employees describe the overarching goal of push notifications as “to encourage users to open the app more and stay longer.”

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<sup>47</sup> See Trevor Haynes, *Dopamine, Smartphones & You: A Battle for Your Time*, HARV. U. GRADUATE SCH. OF ARTS & SCIS. BLOG (May 1, 2018), <https://archive.ph/9MMhY>.

137. Defendants operationalize this goal by creating a plethora of push notifications that overload and overwhelm young users, ultimately compelling a return to the Platform. Some pushes are designed to keep young users from quitting the Platform altogether, and others encourage young users to open the application.

138. Yet another tactic Defendants use to manipulate young users to prolong their time on or return to their Platform is deploying IVRs (“intermittent variable rewards,” described in Paragraph 84)—the same psychological mechanism that underlies the addictive nature of slot machines.

139. IVRs provide positive stimuli at random, unpredictable intervals interspersed with neutral stimuli. When a positive stimulus is received (*e.g.*, a notification that someone “liked” your post), it creates a psychologically pleasing dopamine release, keeping a user in a feedback loop to continually check the app for more rewarding stimuli.<sup>48</sup> Because the rewards are unpredictable and intermittent, young users never know if their next notification will be the one that makes them feel really good<sup>49</sup>—which keeps young users returning to the Platform compulsively.<sup>50</sup>

140. Defendants know that their IVR schedule for delivering notifications succeeds to increase the frequency with which users return to and open the app.

141. Defendants have even used fictitious badge notifications to lure users onto the Platform. Badges are commonly used in smartphone applications to “represent[] the number of unread messages,” and ordinary users would understand it as such. Defendants relied on this perception to manipulate users into opening their Platform. They designed a system to grab users’ attention by displaying badges with random numbers unconnected to any actual content or interactions available on the Platform. Defendants’ employees describe this as “an on purpose strategic choice” to display numbers “inconsistent with the actual number of unread messages.” As one employee remarked, “I have been getting a badge with 2 every morning, and it disappear [*sic*] as long as I open the app. When I open the app, it’s not clear where those unread notifications come from.”

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<sup>48</sup> Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and Its Role in the Development of Social Media Addiction*, 11 *J. Neurology & Neurophysiology* 507 (2020).

<sup>49</sup> See Mark D. Griffiths, *Adolescent Social Networking: How Do Social Media Operators Facilitate Habitual Use?*, 36 *J. Educ. & Health* 66 (2018).

<sup>50</sup> Haynes, *supra* n.47.

142. Notifications succeed at keeping young users on the Platform as Defendants intend. User retention is one of four “main metrics” that Defendants measure regarding push notifications, and Defendants have consistently observed positive results for this metric. For example, Defendants found that using push notifications and deceptive badges increases user retention by over 1% and the overall number of users on TikTok per day by over 5%.

143. Notably, despite understanding the potential harm of these push notifications, including interfering with young users’ free choice to stop using the Platform and disrupting their sleep, Defendants continued sending them, even at late hours. For example, for years, Defendants ignored potential harms they caused by sending notifications to young “users . . . up until midnight” despite the notifications’ “interfere[nce] with sleep.” Only recently did Defendants stop sending notifications to young users during certain nighttime hours.

144. Defendants employ these coercive, deceptive, and relentless notifications because they are effective at keeping young users on their Platform—irrespective of their impact on young users’ physical and psychological wellbeing.

#### 6. “Likes,” Comments, and Other Interactions

145. Defendants’ notifications alert users of “Likes,” comments, and other interactions on the Platform, including the number of “Likes.” The timing, delivery, and packaging of notifications of positive social validation are channels through which Defendants deploy IVRs because these features are “effective in driving sustained changes in user behavior.”

146. Educators explain that “Likes” “serve as a reward for social media users.”<sup>51</sup> Characterizing what happens to the brain when a user receives a notification that “someone ‘likes’ your post” on a social media platform, New York University professor Adam Alter explains that “[t]he minute you take a drug, drink alcohol, smoke a cigarette if those are your poison, when you get a ‘like’ on

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<sup>51</sup> See Sophia Petrillo, *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World’s Latest Social Media Craze*, BROWN UNDERGRADUATE J. PUB. HEALTH (Dec. 13, 2021), <https://archive.ph/tzIfz>.

social media, all of those experiences produce dopamine, which is a chemical that's associated with pleasure.”<sup>52</sup>

147. Defendants' delivery of these dopamine rewards encourages young users to post more videos<sup>53</sup> and spend more time on the Platform, which promotes user retention and, again, financially benefits Defendants.<sup>54</sup>

148. Defendants encourage young users to respond to videos that have few “Likes” by automatically showing a prompt suggesting that the viewer hit the “Like” button. Defendants' reasoning behind this is that “[r]eceiving ‘like’ [*sic*] can greatly encourage the author [content creator] to publish more.”

149. The same is true for mechanisms Defendants employ to inform young users of other social interactions on TikTok. Defendants design tools to push young users to spend more time on their Platform after receiving comments and video views, in addition to “Likes.”

150. Defendants design and engineer their Platform to show Creators a “barrage” of “Likes,” comments, and view counts when they watch their own videos. This inundation of rewards encourages young users to post even more videos.

151. Defendants publicly quantify and display these interactions in a way that drives more use of their Platform, understanding the potential effect this has on its young users. In internal documents, Defendants admit that “[t]he core user experience emphasizes and celebrates like and comment count, which can leave people without them feeling self-conscious, jealous, and bitter.”

152. Defendants recognize that the ways their Platform quantifies interactions, such as the number of “Likes” or comments, are of particular importance to teenagers. These interactions contribute to young users' “FOMO,” addictive use, and social comparison.

153. Defendants' own research shows that young people spend excessive amounts of time on the Platform to avoid missing out on rewards such as “Likes” or comments. For example, teens'

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<sup>52</sup> See Eames Yates, *What Happens to Your Brain When You Get a Like on Instagram*, BUSINESS INSIDER, (Mar. 25, 2017), <https://tinyurl.com/449xz2sy> (last accessed Oct. 7, 2024).

<sup>53</sup> See Haynes, *supra* n.47.

<sup>54</sup> See *generally* Iqbal, *supra* n.38.

difficulty disengaging with the Platform stems in part from the perceived tie between these social interactions and their reputation or image, and when they miss out on these interactions, it is “embarrassing” for the users. Notwithstanding their awareness of the potential psychological harms that can be caused by the public quantification of “Likes” and similar social interactions, Defendants continue to purposely use various methods to display, quantify, package, and notify young users of these social-validation metrics to exploit their social sensitivities and coerce young users to spend an unhealthy amount of time on the Platform.

154. Alexandra Evans, who later became a TikTok executive, co-authored a report explaining how coercive design impacts teenagers:

Persuasive design strategies exploit the natural human desire to be social and popular, by taking advantage of an individual’s fear of not being social and popular in order to extend their online use. For young people, identity requires constant attention, curation and renewal. At key development states it can be overwhelmingly important to be accepted by your peer group.<sup>55</sup>

155. Defendants were also aware of the negative impact their design and display of quantified social validation metrics could have on teenagers’ body image. A 2022 study found that use of the TikTok Platform was indirectly related to body dissatisfaction in that it correlated with greater upward appearance comparison (users comparing their appearances to those of individuals they deem more attractive than themselves) and body surveillance (users scrutinizing and monitoring their own bodies), which results in greater body dissatisfaction.<sup>56</sup> The researchers also found that being exposed to a high volume of positive body-image media actually has a negative effect and results in an increase in appearance comparisons.<sup>57</sup>

156. Although knowing that TikTok’s features could encourage unhealthy, negative social comparisons, which in turn can cause body image issues and related mental and physical disorders,

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<sup>55</sup> See *Disrupted Childhood*, *supra* n.31, at p. 21.

<sup>56</sup> See Danielle Bissonette Mink & Dawn M. Szymanski, *TikTok Use and Body Dissatisfaction: Examining Direct, Indirect, and Moderated Relations*, 43 *Body Image* 205, 205-08 (2022).

<sup>57</sup> See *id.*



Defendants continued pushing “Likes,” “comments,” and other features that foster social comparison to teens and young people.

**III. Defendants deceive the public about their efforts to prolong user engagement through design elements that encourage compulsive use.**

157. Defendants mislead consumers about the purpose and effect of the Platform’s design elements that encourage compulsive use.

158. Defendants downplay and deny the impact of the Platform’s design elements that encourage compulsive use by emphasizing that the Platform provides a positive experience for users and incorporates time management tools.

159. For example, when asked by Congress in October 2021 if the TikTok Platform is specifically designed to keep users engaged as long as possible, the public and TikTok Platform users heard TikTok’s Vice President and Head of Public Policy Michael Beckerman testify: “We want to make sure that people are having an entertaining experience, you know like TV or movies, TikTok is meant to be entertaining. But we do think we have a responsibility, along with parents, to make sure that it’s being used in a responsible way.”<sup>58</sup>

160. In April 2023 during a TED Talk conversation, the public heard Shou Chew reiterate that Defendants’ “goal is not to optimize and maximize time spent. It is not.”<sup>59</sup> He further suggested that Defendants’ actions are not motivated by a financial incentive to maximize users’ time spent on the Platform, stating: “Even if you think about it from a commercial point of view, it is always best when your customers have a very healthy relationship with your product. . . .”<sup>60</sup>

161. Such statements misrepresent to the public the nature of the Platform’s design elements that encourage compulsive use, through which Defendants target users’ time and attention. As discussed above, Defendants exploit psychological vulnerabilities to keep young users compulsively using the TikTok Platform.

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<sup>58</sup> See *Senate Commerce Subcommittee Hearing on Consumer Protection* at 2:27:20, CSPAN (Oct. 26, 2021), <https://tinyurl.com/4bwvbr39>.

<sup>59</sup> Shou Chew, *TikTok’s CEO on its future — and what makes its algorithm different*, TED (April 2023) (hereinafter “Chew TED Talk”).

<sup>60</sup> See *id.*

162. Defendants’ executives have touted the Platform’s in-app time management tools to counter perceptions that the Platform is designed to increase user engagement.

163. At a congressional hearing about prolonged engagement in October 2021, the public and TikTok Platform users heard Michael Beckerman emphasize, “We have ‘Take A Break’ videos, we have time management tools, and Family Pairing is another tool where parents can help limit the time their teenagers are spending on the app.”<sup>61</sup>

164. Again, at a TED Talk in April 2023, Shou Chew brought up the TikTok Platform’s time management tools and interventions, telling the public: “If you spend too much time on our platform, we will proactively send you videos to tell you to get off the platform. And depending on the time of day: If it’s late at night, [the video] will come sooner.”<sup>62</sup>

165. By touting these tools, Defendants represent that they are effectively *discouraging* compulsive use—while in reality, Defendants purposefully crafted design features that have the effect of *encouraging* compulsive use.

166. Defendants internally acknowledge the shortcomings underlying this representation. As Senior Director of Public Policy, Eric Ebenstein admitted in an internal recorded meeting that the “Take A Break” videos that Shou Chew touted are “useful in a good talking point. But we found out through some research that they’re not altogether effective.”

167. Defendants misrepresent to the public, particularly young users and their parents, that the Platform is not designed for compulsive use and has effective tools to mitigate compulsive use, when it does not.

168. In reality, and as discussed above, compulsive use is woven into the very fabric of the app. Defendants’ internal documents show that the Platform’s design features have successfully trapped youth into patterns of compulsive use, with Defendants’ own statistics showing that youth ages 13 to 17 open the app on average 16 times per day and use the app for over an hour and a half each day.

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<sup>61</sup> See *Senate Commerce Subcommittee Hearing on Consumer Protection*, *supra* n.58.

<sup>62</sup> See Chew TED Talk, *supra* n.59.

**IV. Defendants design and provide beauty features that they know can harm their young users, and deceive the public about their safety.**

**A. Defendants design and push beauty filters that they know can harm young users.**

169. The TikTok Platform’s so-called beauty features implicitly encourage unhealthy, negative social comparisons—which, in turn, can cause body image issues and related mental and physical disorders.

170. These features allow young users to alter their appearance in photos and videos before posting them onto the Platform. They provide comparisons between young users’ real-life and edited appearances. This unrealistic image-altering technology can be dangerous to young users because it can cause negative self-obsession or self-hatred of their appearance.<sup>63</sup>

171. Indeed, plastic surgeons have reported an increase in patients seeking procedures to look better on-screen and remark that the Platforms’ advanced Effects “blurr[ed] the line between fantasy and reality.”<sup>64</sup>

172. Defendants knew their beauty features can harm users but chose to keep them and failed to disclose information about their known dangers in their representations to users, including parents and youth. One such feature is the “Retouch” feature, formerly called “Beauty” mode. “Retouch” incorporates machine learning and artificial intelligence to artificially augment (or, in Defendants’ words, to apply “retouch/beautification/skin smoothing” to) the user’s appearance.

173. Through the “Retouch” suite of tools, users can adjust many of their physical attributes so as to align with their sense of aspirational beauty standards.

174. For example, “Retouch” can change the size and shape of a user’s jaw, nose, lips, and eyebrows; whiten their teeth; smooth their skin; and adjust their skin tone or color.<sup>65</sup>

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<sup>63</sup> See Tara Well, *The Hidden Danger of Online Beauty Filters*, PSYCH. TODAY (March 25, 2023), <https://archive.ph/DHvVc>.

<sup>64</sup> Press Release, *‘TikTok Face’ Impact on Facial Plastic Surgery*, AM. ACADEMY OF FACIAL PLASTIC & RECONSTRUCTIVE SURGERY, <https://archive.ph/TMDXA>.

<sup>65</sup> See Alena Arsenova, *What Is AR Beauty and How It Benefits Makeup, Salons, and Retail*, BANUBA (May 19, 2021), <https://archive.ph/9RLZY>.

175. Every possible option across each of these dimensions is represented by a unique Data-Point Feature, which can be thought of as a numeric “score” that enables the algorithms comprising the “Retouch” feature to capture and use this user input.

176. In designing and implementing “Retouch,” Defendants set “default beauty combination effect[s]” that any given user sees based on location-based user information. This enables Defendants to “achieve significant benefits in core publish indicators, effectively promoting users’ willingness to shoot and post.”

177. Defendants place the “Retouch” feature on the right-hand side of the screen when a user prepares to take a video.

178. Once selected, Defendants allow this feature to apply to all of the user’s videos.

179. Defendants’ internal research finds that skin tone adjustment, face lighting, smoothing the skin, whitening the teeth, adding blush and highlights, changing the eyelashes, lip enlargement, and face shape adjustment are all priority variables used by users who attempt to change their appearance by using these features.

180. Defendants adjust these variables and assign a numerical score to change the user’s weight, face shape, jawbone structure, nose shape, eyebrows, lips, tooth color, and skin shade. The beauty standard metrics also rely on location-based information, with the aspirational beauty standards differing based on user location.

181. Defendants claim to “make sure all skin tones are covered” so that users can lighten or darken their complexion based on their aspirational beauty standards.

182. Based on the success of their “Retouch” feature and beauty filters, Defendants’ internal research indicated that the “Retouch beauty function can no longer meet the beauty needs of users.” This spurred Defendants to develop enhanced beauty filters.

183. In the spring of 2023, Defendants created, designed, and published the “Bold Glamour” filter.

184. This advanced filter, like the “Retouch” feature, is a sophisticated face filter that dramatically alters the user’s image, which may encourage unrealistic comparisons and foster body dysmorphia.

185. Defendants’ Bold Glamour filter changes the user’s image to mimic the effects of makeup and cosmetic surgery.<sup>66</sup> The following before and after photos of the Bold Glamour beauty filter demonstrate the comparison.<sup>67</sup>



186. The Bold Glamour “Effect” has been wildly successful by Defendants’ measures. It has been used in over 224 million posts.

187. Besides Bold Glamour, Defendants design, produce, and provide other filters, some of which are stock filters and others that are customizable. Defendants place these filters on their “EffectHouse” tool, which allows users to build augmented reality experiences and “Effects.”

188. Defendants will pay users who customize Defendants’ filters in EffectHouse if their product is used in enough unique videos within the first 90 days of its release.<sup>68</sup>

<sup>66</sup> Press Release, *supra* n.64.

<sup>67</sup> CNN Business, “*I Wish I Did Look Like This*”: See User Reactions to Viral New Beauty Filter, CNN (March 7, 2023), <https://tinyurl.com/bdhketk6> (last accessed Oct. 7, 2024).

<sup>68</sup> See Kalhan Rosenblatt, *TikTok Will Pay Content Creators Who Make Popular Effects and Filters*, NBC NEWS (Mar. 16, 2023), <https://archive.ph/SZa43>.

189. In March 2023, the Dove personal care brand launched a campaign for users to #TurnYourBack on the Bold Glamour filter,<sup>69</sup> citing studies that 52% of girls said they use image filters every day, and 80% used a social media platform to change their appearance before the age of 13.<sup>70</sup> Additional studies cited in the Dove campaign found that 50% of girls believed they did not look good without editing and 77% reported trying to change or hide at least one part of their body using these filters.<sup>71</sup>

190. Despite the studies publicized by Dove, for a period of time starting in May 2023, the location-based “Retouch” defaults were automatically applied to videos without the user’s knowledge or consent. Viewers of these videos were not informed that tools or filters were applied.

191. An employee of Defendants determined that beauty features are associated with harm and stated so: they have a “high potential from a research perspective to lead to negative body image and body dysmorphia [*sic*] symptoms, especially among teenage girls.”

192. Defendants know that these beauty features may cause significant harm to young users in particular. For example, internal documents report that “teens are more susceptible to harm when it comes to the usage and consumption of beauty filters as they are developing body dysmorphia, eating disorders, and are more easily pressured by the opinions of others.”

193. In a recent study, even users reporting a higher initial level of self-esteem felt they looked 44% worse before their image was edited using a filter. In a follow-up survey, “when the AR [augmented reality] filter increased the gap between how participants wanted to look and how they felt they actually looked, it reduced their self-compassion and tolerance for their own physical flaws.”<sup>72</sup>

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<sup>69</sup> See Dove, *Dove Invites You to Take a Stand and #TurnYourBack to Digital Distortion*, PR NEWswire (Mar. 8, 2023), <https://archive.ph/EO7Nk>.

<sup>70</sup> See *id.*

<sup>71</sup> See *id.*

<sup>72</sup> See Ana Javornik *et al.*, *Research: How AR Filters Impact People’s Self-Image*, HARV. BUS. REV. (Dec. 22, 2021), <https://archive.is/w0gGL>.

194. The press reported how the automatic application of beauty filters drew striking criticism from concerned parties who claimed these changes had significant impacts on the mental health and well-being of Defendants' young users.

195. Despite the public criticisms and Defendants' own internal knowledge of potential harms, in particular to teens, Defendants continue to deploy these beauty filters because they ultimately benefit Defendants financially.

**B. Defendants deceive the public about their beauty features and the dangers to young users they present.**

196. As of March 2024, Defendants had an entire webpage devoted to "Youth Safety and Well-Being" where they claim the company is "deeply committed to ensuring TikTok is a safe and positive experience for people under the age of 18."<sup>73</sup> It goes on to proclaim that youth safety is a "priority," and that Defendants create a "developmentally appropriate" experience that is a "safe space" for "self-exploration."<sup>74</sup>

197. As they make such representations, Defendants misrepresent to the public that their wildly popular beauty filters and similar features on their Platform do not pose dangers, especially to young users.

198. Defendants promote their beauty features and other beautifying "Effects" while actively concealing the significant physical and psychological risks to young users such features and "Effects" pose.

199. Even their own employees suggested ways Defendants could mitigate such deception: working to "provide users with educational resources about image disorders"; creating a campaign "to raise awareness on issues with low self esteem (caused by the excessive filter use and other issues)"; and adding "a banner/H5 page to these filters and/or short videos which make use of the filters, particularly the Bold Glamour one, including an awareness statement about filters and the importance of positive body image/mental health, [that] could potentially minimize the negative

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<sup>73</sup> *Youth Safety and Well Being*, TIKTOK, <https://tinyurl.com/4ta8pdxu> (last accessed Oct. 7, 2024).

<sup>74</sup> *Id.*

public perception surrounding beauty filters and their reported effect on user mental health.” Defendants did not implement any of these suggestions.

200. Moreover, as described above, Defendants misled users by automatically applying “Retouch” to videos without users’ knowledge or consent.

**V. Defendants know that TikTok’s features can harm children and teens.**

201. Defendants’ internal documents confirm that Defendants knew that addiction itself harms the Platform’s users:

Addiction to technology is a ubiquitous problem that TikTok and most other platforms deal with today. Addiction takes many forms such as overall time spent on an app, de-prioritizing other important areas of life, and generating self-worth based on [n]umber of likes; all of which and countless others have made us realize the consequences of optimizing for engagement and retention metrics.

202. In a February 2020 survey of over 2,300 users, “respondents were asked to give a score out of 5 to indicate strength of the agreement with the statement ‘I spend too much time on TikTok.’ . . . The average response was 4.0.”

203. Internally, Defendants noted that in a survey of teenagers aged 13 to 17 that Boston Children’s Digital Wellness Lab conducted, including participants from all 50 states, “83% said they were addicted to screen media.”

204. Internal documents confirm that Defendants knew the Platform could cause harm to young users. Defendants’ employees cited research showing that the extended use of platforms like TikTok can lead to depression and lower cognitive functioning among young people.

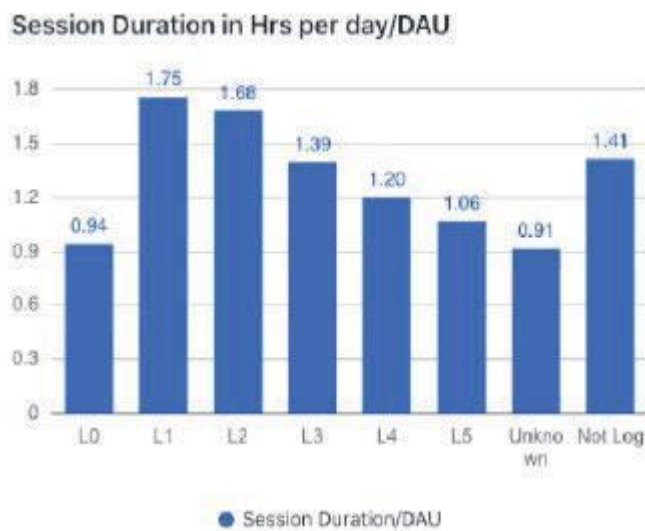
205. An internal research report by Defendants on digital wellness that Defendants shared in 2021 with their consultants at the Digital Wellness Lab at Boston Children’s Hospital, found that “compulsive usage on TikTok is rampant.”



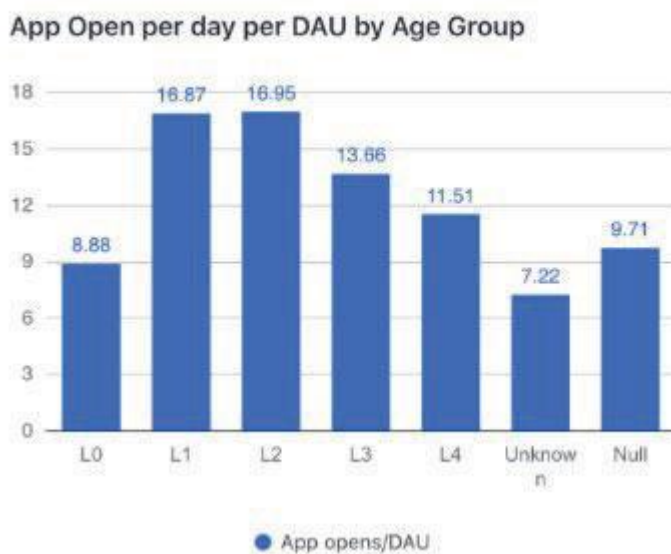
206. As shown in the chart below, taken from an internal planning document, users between the ages of 13 and 17 years old averaged upwards of 1 hour and 45 minutes per day on the Platform, and 10% of users in this age range averaged more than four hours.<sup>75</sup>

Age level	Avg Daily Active Users	Avg Daily Accumulated Duration (minutes)	50th percentile	66th percentile	75th percentile	90th percentile
L1 (13-15)	27,928,801	106.36	79.58	123.98	156.43	243.80
L2 (16-17)	41,622,675	106.78	81.25	124.17	155.63	241.10
L12 (13-17)	69,551,476	106.61	80.60	124.10	155.95	242.18

207. Additional internal TikTok statistics show that, on average, L1 (ages 13-15) and L2 (ages 16-17) users open the TikTok Platform over 16 times a day, and use it for over an hour and a half daily, per the charts below.



<sup>75</sup> See MMGuardian, *TikTok Is Now the Most Used App by Teens & Pre-Teens in the US*, PR NEWswire (Mar 23, 2021), <https://archive.is/4XGfP>.



208. Internal documents also confirm Defendants knew that:
- “[C]ompulsive [entertainment screen media] usage interferes with essential personal responsibilities like sufficient sleep, work/school responsibilities, and connecting with loved ones.”
  - The use of social media platforms “can become habitual or excessive,” and some of that habitual or excessive use “leads to deficient self-regulation, and in severe cases, . . . can eventually lead to negative life consequences.”
  - Addiction to the TikTok Platform is “interfering with [users’] obligations and productivity, like work, school, or household chores.”
  - There is “a strong association, and likely a causal one, between heavy phone and internet use and losses of analytical and problem-solving skill [*sic*], memory formation, contextual thinking, conversational depth and empathy as well as increases in anxiety.”

- e. Excessive social media engagement, such as on the TikTok Platform, “means that we are spending less time building and maintaining relationships with actual people.”

209. Academic researchers corroborate Defendants’ understanding that social media addiction, including TikTok usage, is harmful to minors. For example:

- a. Research shows that experiencing puberty while being a heavy social media user interferes with a crucial developmental period for social learning and friendship formation. Heavy users may emerge from puberty stunted or otherwise harmed, perhaps permanently.<sup>76</sup>
- b. Research also shows that “[a]t the individual level, many have pointed to negative correlations between intensive social media use and both subjective well-being and mental health.”<sup>77</sup>
- c. There is also a study that demonstrates that deactivating social media leads to “significant improvements in well-being, and in particular in self-reported happiness, life satisfaction, depression, and anxiety.”<sup>78</sup>

210. External surveys also show that 16% of U.S. teens say they use the TikTok Platform “almost constantly.”<sup>79</sup> Another 32% say they use it “several times a day.”<sup>80</sup> Of the teens aged 13 to 17 surveyed across all 50 states by the Boston Children’s Digital Wellness lab in 2022, 64% reported that they use TikTok daily.<sup>81</sup> Defendants know from their own research that such addictive use can inflict mental and physical harm on young users.

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<sup>76</sup> See, e.g., Amy Orben *et al.*, *Windows of Developmental Sensitivity to Social Media*, 13 *Nature Comm’n* 1 (2022).

<sup>77</sup> See Hunt Allcott *et. al.*, *The Welfare Effects of Social Media*, 110 *Am. Econ. Rev.* 629, 630 (2020).

<sup>78</sup> See *id.*

<sup>79</sup> See Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, PEW RESEARCH CTR. (Aug. 10, 2022), <https://archive.ph/ROMyQ>.

<sup>80</sup> See *id.*

<sup>81</sup> See David Bickham *et al.*, *The Digital Wellness Lab’s Pulse Survey, Adolescent Media Use: Attitudes, Effects, and Online Experiences*, Boston Children’s Digital Wellness Lab 10 (Aug. 2022).

211. By maximizing the Platform’s addictive properties, Defendants have cultivated a generation of young users who spend hours a day on their Platform—more than they would otherwise choose—which is highly detrimental to teens’ development and ability to attend to personal needs and responsibilities.

212. One such harmful effect bears special mention: Defendants’ negative effect on young users’ sleep.

213. Insufficient sleep causes a slew of health problems for minors, including neurological deficiencies, dysregulated emotional functioning, heightened risk of suicide, and many other mental health harms.<sup>82</sup> Excessive, compulsive, and addictive use of Defendants’ Platform keeps minors using it late at night and decreases the amount and quality of their sleep.

214. Defendants know this well, as their internal research confirms:

- a. “Users are active on TikTok when they should be sleeping.”
- b. “The use of TikTok at night delays sleep for some users, disturbing their sleep patterns and preventing them from getting the minimum recommended amount of sleep.”
- c. “How can we help people wind down and get enough sleep? Sleep [is] unanimously linked to health outcomes, [and] late night phone use [is] particularly concerning for teens who need more sleep.”
- d. “[M]any [users] described their use of TikTok disturbing their sleep, which limited their productivity and performance the following day.”

215. Despite knowing that use of the Platform impairs young users’ sleep, until recently, Defendants sent notifications to young “users . . . up until midnight,” which Defendants’ internal documents admitted “could interfere with sleep.”

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<sup>82</sup> See, e.g., *Health Advisory on Social Media Use in Adolescence*, AM. PSYCH. ASS’N, <https://archive.is/bKxLl>; Seung-Schik Yoo *et al.*, *A Deficit in the Ability to Form New Human Memories Without Sleep*, *Nature Neuroscience* 385 (2007).

216. Since Defendants meticulously track user data, they know that as recently as 2022, 19% of users aged 13 to 15 and 25% of those aged 16 to 18 used the Platform between midnight and 5:00 a.m.

217. Young people are particularly attuned to “FOMO,” and often feel a need to check social media at night to assuage the fear that they may miss out on popular or engaging videos. To that end, some teenagers frequently wake up at night to check social media notifications.<sup>83</sup>

218. Ultimately, Defendants know that “bedtime access [to] and use of a cell phone or tablet [is] significantly associated with inadequate sleep quantity, poor sleep quality, and excessive daytime sleepiness, which presents health concerns.” Yet to date, Defendants have not made the necessary changes to their Platform to avoid these outcomes.

**VI. Despite having information that their Platform can harm children and teens, Defendants refuse to make the Platform safer.**

219. Defendants’ employees know the Platform may harm young users and have even provided concrete suggestions to make the Platform safer. But those safety improvements have been stymied by Defendants’ leadership’s pursuit of profits. For example:

- a. A comment on one internal document notes that the harms of addiction “have made us realize the consequences of optimizing for engagement and retention metrics.” A candid response reveals why Defendants will never change unless legally required to do so: “while I agree, isn’t addiction in this sense considered a very positive metric in our field?”
- b. One internal strategy document suggested adding addiction treatments to the Platform. Defendants decided not to do so after an executive determined Defendants’ purpose should not include “harm mitigation[.]”
- c. Defendants know that children use the Platform at night, causing sleeplessness. However, Defendants’ own former global head of minor safety admitted that during her

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<sup>83</sup> See Anushree Tandron *et al.*, *Sleepless Due to Social Media? Investigating Problematic Sleep Due to Social Media and Social Media Sleep Hygiene*, 113 *Computers in Hum. Behav.* 1, 7 (2020).

tenure, Defendants never even considered preventing teens from using the Platform at night due to the notion that children have the “human rights” to be on the Platform at all hours of the day.

- d. Defendants’ employees have gone so far as to admit on video that teens are ideal to target as users when beginning a social media company; that Defendants’ business acts and practices conflict with mental health; that Defendants harm users by promoting videos that violate their Community Guidelines; and that business needs supersede safety needs.

220. Defendants’ business model has been extremely profitable. In 2019, Defendants’ revenue was \$76 million. By 2022, it was over \$6 billion.

**A. Defendants rejected internal recommendations to enhance user safety and reduce compulsive use.**

221. In 2022, a subset of Defendants’ employees recommended improvements to address user safety and compulsive use, and to that end, advised showing users a “non-personalized feed.” This was proposed as an alternative to Defendants’ current Recommendation System (detailed in Paragraphs 96 through 117).

222. However, even though a non-personalized feed could have reduced many of the harms the Recommendation System may have on minors by reducing compulsive use of the Platform, TikTok CEO Shou Chew “blocked” its implementation because it would have a “negative business impact.”

223. Defendants also considered but failed to implement other alternate design features related to screentime management and anti-addiction measures intended to help curb their users’ compulsive use of the Platform. For example:

- a. Defendants decided against implementing a “mandatory 15-minute break” to reduce addiction. Defendants did so despite their own internal surveys, in which users criticized the Platform’s existing screentime management features as “difficult to find” and needing “stricter controls,” such as “wait times” after a certain amount of usage.

- b. Notwithstanding Defendants’ recognition that the Platform’s “notifications interrupt other important areas of users’ lives like sleep, school, work, exercise, and relationships,” it took years for the company to roll out a feature allowing users to mute notifications. Defendants delayed making this easy fix despite internally admitting that it “seems like an obvious low effort, high impact investment” to improve well-being. Even when Defendants finally implemented this feature, they did so in a substantially weakened form, by requiring minors to affirmatively opt into some aspects of the feature—which they knew minors rarely did.<sup>84</sup>
- c. Defendants continue to reject options that would help young users. Although internal documents note that “[u]sers want restrictive solutions since permissive, ignorable, and unrestrictive tools are useless to reduce phone addiction”—and even though Defendants know that the tools they offer do not help minors— Defendants still refuse to impose actual meaningful restrictions.
- d. Defendants represent that they set a 60-minute default screentime limit for users under the age of 18. However, TikTok’s “limit” is not a hard stop, but rather an easily avoidable checkpoint; young users can simply disable the screen or enter a passcode to bypass it.<sup>85</sup> Defendants know that the Platform’s addictive features work to override young users’ free choice to regulate their time such that these options are rendered unreasonable, unrealistic, and ineffective.

224. By contrast, Defendants’ sister platform Douyin, which is available only in China, imposes effective minor safety restrictions, including limiting some minors to 40 minutes of use per day and limiting the platform’s availability to certain hours.<sup>86</sup> To prevent overuse and addiction,

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<sup>84</sup> See *Notifications*, TIKTOK, <https://tinyurl.com/y3ma7jma> (last accessed Oct. 7, 2024).

<sup>85</sup> See Rachel Lerman, *TikTok Adds 60-minute Limit for Teens, but Leaves Easy Workarounds*, WASH. POST, (Mar. 1, 2023), <https://archive.ph/m3baW>; Sadia Israr, *How to Turn Off TikTok Screen Time Without Password*, LOGMEONC, <https://archive.ph/EiJtl>.

<sup>86</sup> See Diksha Madhok, *The Chinese Version of TikTok Is Limiting Kids to 40 Minutes a Day*, CNN (Sept. 20, 2021), <https://tinyurl.com/296rt7nd> (last accessed Oct. 7, 2024).

Douyin users also may face a five-second pause between videos if they spend too long on the app.<sup>87</sup>

225. Defendants' internal documents reveal that they know Douyin's restrictions help "special groups like teens and excessive users . . . control extreme usage" and "[e]nhance users' sense of control," but, as indicated above, Defendants have chosen to not implement the same safety measures for young Americans.

226. To that end, Defendants' former Global Head of Minor Safety said under oath that Defendants did not seriously consider preventing American teens from using the Platform at night, that 13-year-old Americans deserve "autonomy" to determine how much time they should spend on the Platform, and that preventing them from accessing it at 2 a.m. would be an "infringement of their rights."

227. Ultimately, though Defendants are aware of and use certain restrictions for young users outside of the United States, Defendants chose not to utilize these changes on the American TikTok Platform.<sup>88</sup>

**B. Defendants' scheme of purported safety features and tools, content moderation, community guidelines and public assurances misleads the public about their Platform and the Platform's dangers.**

228. Defendants engage in a fraudulent and deceptive scheme that misleads the public that the Platform is safe and appropriate for young users through multiple avenues. Defendants' scheme deceptively conveys an appearance of safety through numerous features and tools advertised to promote young users' wellbeing, by claiming to subject the Platform to Community Guidelines and meaningful content moderation, by publicly downplaying the extent to which the Platform is designed to induce addictive and compulsive use, by holding out safety as a priority for Defendants and representing the Platform as safe. While each of these avenues is individually fraudulent and

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<sup>87</sup> See Matthew Humphries, *China's TikTok Adds Mandatory 5-second Pause Between Videos*, PCMag (Oct. 21, 2021), <https://archive.ph/sJ9Wq>.

<sup>88</sup> See Madhok, *supra* n.86.



deceptive, they are also all part of a coordinated scheme Defendants employ to create a deceptive and false narrative about their Platform and young users' safety.

229. But Defendants know the truth: their touted safety features do not work as advertised, their community guidelines are not applied as Defendants advertise; and their Platform is poorly moderated, designed to induce compulsive use and is unsafe for youth.

**C. Defendants deceive the public about the efficacy of numerous features and tools that they advertise as promoting safety and well-being.**

230. Defendants deceive the public about their purported "safety features" and other tools they provide on the TikTok Platform under the guise of promoting user safety and well-being. In truth, these features and tools do not work as advertised, and were designed to *appear* to mitigate certain harms without making meaningful changes.

*1. Defendants' purported 60-minute limit is not actually a limit.*

231. Announced right before Shou Chew testified to Congress, Defendants have repeatedly pushed the idea that it sets an automatic 60-minute daily screentime limit for teens.

232. In a March 1, 2023 post on their website, former Head of Trust and Safety Cormac Keenan wrote that the screentime management tool would provide teen users with a "60-minute daily screen time limit."<sup>89</sup> But this tool does not actually impose a screen time limit: after using TikTok for 60 minutes, teens are simply prompted to enter a passcode that they have previously created in order to continue watching.

233. Young users can also freely change when this prompt occurs, with default options ranging from after 40 minutes to 2 hours on the TikTok Platform per day, or disable the tool entirely.

234. Since the prompts are triggered strictly based on time spent on the TikTok Platform, young users can be required to enter their passcode in order to finish watching a video—after which another video plays while the tool is fully disabled for the day, letting the young user stay on the TikTok Platform without additional prompts.

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<sup>89</sup> See Cormac Keenan, *Introducing Family Safety Mode and Screentime Management in Feed*, TIKTOK (Feb. 19, 2020), <https://archive.is/uyWgs>.

235. Defendants' employees, including Cjersti Jensen on the Youth Safety and Wellbeing Team, noted in an internal January 2023 presentation that "a large proportion of recent research on social media screen time recommends one hour or less for adolescents in our user age range" based on the harms they suffered beyond that amount of time. Indeed, Defendants chose to set the default prompt timing for after 60-minutes of daily use based on this research.

236. However, Defendants measured the success of the tool not by whether it *actually* reduced the time teens spent on the Platform to address this harm, but by three unrelated "success metrics" discussed in an internal January 2023 presentation, the first of which was "improving public trust in the TikTok Platform via media coverage."

237. Reducing the time teens spent on the TikTok Platform not only was not a "success metric," but too much reduction was disfavored by Defendants. While up to a 10% drop in time spent on the Platform was acceptable, if the daily time teens spent on the app dropped more than 10%, the company would need to revisit the design.

238. At the time, "roughly 40% of teens spen[t] more than 2 hours per day on the Platform," so even a 10% drop would still leave many teens using the TikTok Platform for longer than Defendants' research said was healthy.

239. Defendants' default "time limit" proved to have negligible impact. After running an experiment in a March 2023 internal study, the company found that the default screen time use prompts reduced the average time per day teens spent on the TikTok Platform from approximately 108.5 minutes to approximately 107 minutes.

240. Despite seeing this result, and the fact that the decrease in screen time was far less than Defendants approved as acceptable, the company did not revisit the tool's design.

241. As public concern grew that the TikTok Platform is addictive and unsafe for teens, it was important for Defendants to convince parents that those concerns were being addressed. Therefore, after releasing the 60-minute-prompt tool, Defendants prominently advertised it to the public—but actively concealed how the tool actually works.

242. For example, one advertisement in the *Washington Examiner*, a news magazine more likely to be read by adults than teens, stated only that “[t]een accounts automatically have a daily screen time limit of 60 mins. Only on TikTok.”<sup>90</sup>

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<sup>90</sup> WASH. EXAMINER, Feb. 2024 (full-page ad on cover).

Teen accounts  
**automatically** have  
a daily screen time  
limit of **60 mins.**

**Only** on TikTok.

 **TikTok**

[tiktok.com/safety](https://tiktok.com/safety)

243. What Defendants concealed is that the so-called screen time “limit” can be easily bypassed or even disabled.

244. Defendants made similar or identical public representations in other contexts, including January 2024 advertisements in *The Washington Post* reading “[t]een accounts automatically have a daily screen time limit of 60 mins.”

245. These advertisements leave the public—especially parents who do not use the Platform more than an hour per day—with a false impression that this tool imposes an actual limit on teen screen time, creating a false belief that TikTok effectively addressed concerns around excessive use.

2. *Defendants’ screentime management tools do not protect young users.*

246. Defendants promoted their screentime dashboard as a tool to help minors, including in press releases posted to their website in 2019 and 2020, external newsletters, such as their June 2022 Creator Newsletter, and posts on Defendants’ website.<sup>91</sup>

247. Defendants also promote their screentime management tools to parents and guardians through partnership with the National PTA and in press releases on their website.<sup>92</sup>

248. For instance, in February 2022, Defendants published an article on the TikTok website entitled “Introducing Family Safety Mode and Screentime Management in Feed,” writing: “As part of our commitment to safety, the wellbeing of our users is incredibly important to us. We want people to have fun on TikTok, but it’s also important for our community to look after their wellbeing which means having a healthy relationship with online apps and services.”

249. In his publicly available written testimony to Congress in March 2023, Shou Chew stated: “TikTok also has taken numerous steps to help ensure that teens under 18 have a safe and enjoyable experience on the app. . . . We launch great products with a safety-by-design mentality, even if those features limit our monetization opportunities.”<sup>93</sup>

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<sup>91</sup> See *Screen Time*, TIKTOK, <https://tinyurl.com/yf9bd62t> (last accessed Oct. 7, 2024).

<sup>92</sup> See Jordan Furlong, *Investing in Our Community’s Digital Well-Being*, TIKTOK (June 9, 2022), <https://archive.is/n1E3b>.

<sup>93</sup> See Written Testimony of Shou Chew Before the U.S. House Comm. on Energy &

250. But this is contrary to Defendants’ internal documents stating that “[t]he advertising-based business model encourages optimization for time spent in the app.”

251. While Defendants publicize their safety features ostensibly intended to reduce compulsive use, internal analyses show that many such features were designed to make no material dent in young users’ excessive use of the Platform.

252. Rather, “leadership’s guidance” was to stay within so-called “guardrails” when creating new safety features. In other words, leadership directed Defendants’ employees to “keep stay duration impact within a reasonable threshold”—meaning not significantly reduce the time users spend on the app—and have “no impact to [user] retention.”

253. More specifically, according to an internal September 2021 document describing the screen time dashboard, for several safety features, Defendants’ goal was to only allow “a maximum 5% drop in stay time for . . . minors” at the direction of leaders including Global Research and Development Chief Zhu Wenjia.

254. In an internal document describing these screentime management functions, a product manager confirmed that fighting addiction was not a purpose: “Our goal is not to reduce the time spent.”

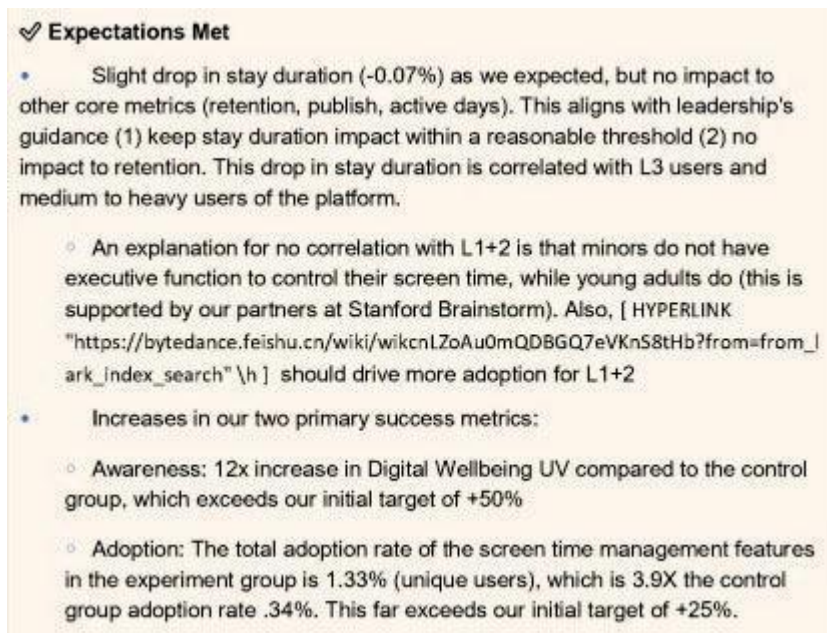
255. Similarly, in a chat message discussing features purporting to help users manage their screentime, Product Manager Lead Jiajia Li, in a comment to Defendants’ July 2022 internal one-pager on Screen Time Management, confirmed that the company’s “goal is not to reduce the time spent” on the TikTok app, but rather to ultimately “contribute to DAU [daily active users] and retention” of users.

256. Defendants also promote screentime management tools for minors that they know are ineffective. For example, a September 2021 internal document seeking approval for the screentime dashboard noted that “we don’t expect significant impact to stay time with this feature since it is only improving awareness and is not an intervention.”

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Commerce (March 23, 2023), <https://tinyurl.com/4vtf4w7d> (hereinafter “Chew Written Testimony”).

257. In fact, Defendants found—as they expected—that the screentime dashboard did not affect minors’ usage because “minors do not have executive function to control their screen time.” In the image below, excerpted from an internal document, L1 users refers to 13 to 15 year olds, and L2 users refers to 16 and 17 year olds.



258. Defendants also expected “[n]o impact” on stay duration or daily active users for a feature enabling users to “[m]ute push notifications in settings and Family Pairing,” because of the feature’s expected “[l]ow adoption rates.” Similarly, Defendants expected the “Weekly Screen Time Updates for Minors” to have no effect on “[a]verage session duration from 10pm-6am.”

259. Defendants also tout their “Take a Break” videos that ostensibly encourage young users to stop using the TikTok Platform after long sessions. TikTok CEO Shou Chew even referenced the videos in an interview with Andrew Ross Sorkin of the *The New York Times* at the 2022 DealBook summit. But as Senior Director of Public Policy Eric Ebenstein had noted, the videos are “useful in a good talking point” when meeting with policymakers, but “they’re not altogether effective.”

260. Another feature that Defendants heavily promote to parents and parent groups is Family Pairing,<sup>94</sup> which, according to Defendants, “allows parents and teens to customize their safety settings based on individual needs.”<sup>95</sup>

261. Yet Defendants know the feature does not fix the problems their Platform causes. As an internal document notes, “Family Pairing doesn’t address parents’ top concerns,” and “[t]een users can disable Family Pairing without [a] PIN, so it’s less restrictive than activating either Restricted Mode or Screentime Management individually.”

262. Moreover, teens can easily bypass Family Pairing. The function works only on TikTok’s mobile application, so teens can avoid parent-imposed restrictions simply by using their phone or desktop browser.<sup>96</sup>

263. Not only are these screentime management features ineffective, but Defendants also make them hard to find. Many of the features are hidden behind multiple screens, reducing their use and effectiveness.

264. Internal documents criticize this approach because hiding these features results in “limiting users’ ability to find and take advantage of these features. If [screentime management] is actually an important problem to solve, we should make our entry points more prominent.”

265. Defendants unfairly compounded the addictiveness of the TikTok Platform for young users through their faulty and deceptive implementation of these features. Defendants tout these time management and other safety tools as if they are legitimate interventions designed to promote young users’ healthy usage of the Platform. But Defendants withhold information about the effectiveness of these tools and do not provide consumers crucial information to assess the safety of the Platform.

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<sup>94</sup> See *TikTok Guide For Parents*, NATIONAL PTA, <https://tinyurl.com/4rbarc35> (last accessed Oct. 7, 2024); Jeff Collins, *TikTok Introduces Family Pairing*, TIKTOK (Apr. 15, 2020), <https://archive.is/75Q8v>; Chew Written Testimony, *supra* n.93.

<sup>95</sup> See *User Safety*, TIKTOK, <https://tinyurl.com/4tadpcfy> (last accessed Oct. 7, 2024).

<sup>96</sup> See *id.*



3. *Defendants falsely represent users' ability to "Refresh" their feed and escape harmful rabbit holes.*

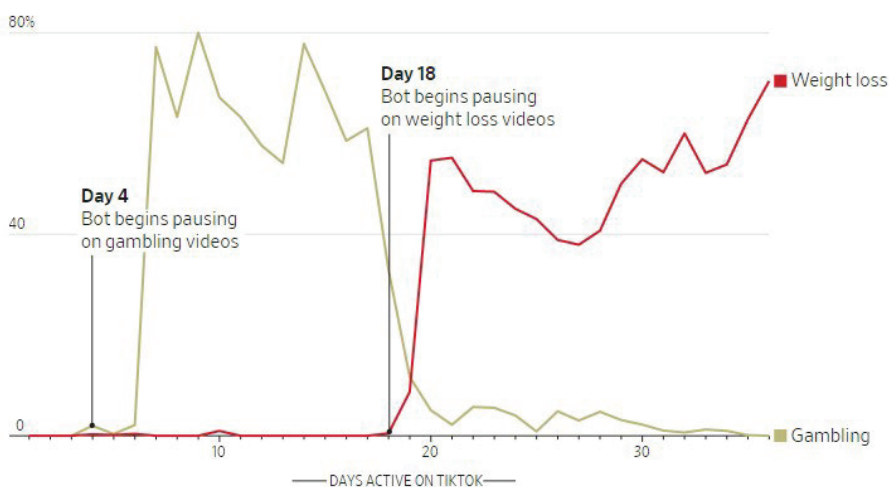
266. A TikTok Platform user experiences a "rabbit hole" (also known as a "filter bubble") when they encounter a high percentage of sequential videos on the same or similar topics. Defendants know that rabbit holes harm their young users—particularly when these rabbit holes feed young users videos that trigger anxiety or depression, or provoke other harmful effects (for example, by feeding users videos that trigger "FOMO," harmful social comparison, self-harm or disordered eating).

267. The Recommendation System creates rabbit holes by quickly evaluating users' engagement metrics and then repeatedly pushing videos that their system determines will result in continued engagement on the Platform, regardless of content. *The Wall Street Journal* published a chart showing just how quickly the Recommendation System determines a user's engagement metrics and then pushes content intended to continue engagement:<sup>97</sup>

#### Fast Learner

TikTok's algorithm quickly gives users the content they'll watch, for as long as they'll watch it. When one bot began re-watching videos about gambling, the platform pushed more of the same—until the bot was programmed to switch to dwelling on videos about weight loss, at which point the algorithm quickly adapted.

#### Percent of total videos watched per day



Note: When giving this bot its interests, reporters first searched for and favorited several gambling and weight loss videos.  
Source: Wall Street Journal analysis of 21,491 TikTok videos served to this bot.

<sup>97</sup> See Tawnell D. Hobbs *et al.*, 'The Corpse Bride Diet': How TikTok Inundates Teens with Eating-Disorder Videos, WALL STREET J. (Dec. 17, 2021), <https://archive.ph/bTvIb>.

268. In internal documents, Defendants discussed at length how rabbit holes can cause users serious psychological harm.

269. Even rabbit holes that could be innocuous to some can be harmful to specific individuals.

One internal document from July 2021 notes the following true story describing this problem:

A young person with undiagnosed obsessive compulsive disorder started watching videos of people doing checking behaviours (tidying things, straightening rows, making beds with neat edges etc). None of it was violative or problematic for the majority of viewers. The more he watched, the more he got served. He got caught in a loop and, following his diagnosis, had to come off TikTok.

270. After *The Wall Street Journal* exposé on Defendants' algorithm and the harm caused to users stuck in rabbit holes, Defendants made changes to the Platform that it calls "Algo Refresh."

271. The Algo Refresh feature purportedly allows users suffering from rabbit holes—or who are otherwise dissatisfied with the videos Defendants feed them—to "reset" their For You feed.

272. According to an internal planning document, Defendants believed that "[o]ffering users a full reset button would go a long way to addressing policy makers' concerns about our algorithm," including young users' inability to escape from so-called "rabbit holes."

273. After much internal and external pressure, on March 16, 2023, Defendants announced the new "Refresh your For You feed" feature.<sup>98</sup>

274. Defendants hoped the announcement of this "Refresh" feature would address the public relations problem that the Platform's rabbit holes generated.

275. Defendants billed the "Refresh" feature on their website as "[t]he option to start fresh on TikTok."<sup>99</sup>

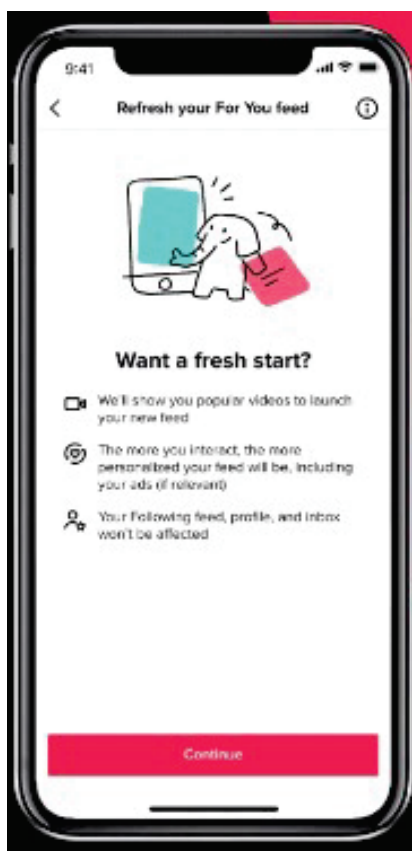
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<sup>98</sup> Sandeep Grover & Mabel Wang, *Introducing a Way to Refresh Your For You Feed on TikTok*, TIKTOK (Mar. 16, 2023), <https://archive.is/YBLiT>.

<sup>99</sup> *Id.*

276. Defendants further explained that: “When enabled, this feature allows someone to view content on their For You feed as if they just signed up for TikTok. Our recommendation system will then begin to surface more content based on new interactions.”<sup>100</sup>

277. Defendants make similar statements to users who access the “Refresh” feature on the TikTok Platform. When users open the “Refresh your For You feed” page in the Platform’s settings, they are asked: “Want a fresh start?” The Platform informs users that activating the “Refresh” feature will allow them to “launch your new feed.”<sup>101</sup>



278. Spokespeople for Defendants repeated these claims to reporters. For instance, the news outlet *TechCrunch* reported in February 2023:

With the new refresh button, which will be available in account settings, users will be able to force the app to bring “new, diversified content not based on previous activity or interactions” to their For You feed. After hitting the button, users will then begin to see

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<sup>100</sup> *Id.*

<sup>101</sup> *See* Video, TIKTOK, <https://archive.ph/hmcXU> (hereinafter “Refresh Video”).

content that's based on their new interactions, a TikTok spokesperson told TechCrunch. In addition to providing a refreshed feed, the company noted that the feature could serve as a way to support potentially vulnerable users who want to distance themselves from their current content experience.<sup>102</sup>

279. These public statements mislead the public to believe that resetting the For You feed would result in a completely new feed as if the user was a new user, and that users would be able to escape rabbit holes of harmful content.

280. However, the “Refresh” feature was never expected to succeed.

281. This feature is hidden behind a complex series of settings. This is because, as Director of Product Management, Privacy & Responsibility Josh Stickler posted in an internal chat between Defendants’ employees in May 2022, “teams involved may be considering ways to add friction to the user experience that might limit adoption (e.g. discoverability, multiple steps to execute, etc.).”

282. Other employees were then tasked with determining “how [to] both offer a Reset feature with limited adoption ‘by design’ and credibly claim externally we are addressing [safety] issues etc. observed by critics.”

283. Not only did Defendants design the “Refresh” feature not to be used, but they did not even make the feature work. Despite Defendants’ advertising of the feature as a complete reset of a user’s For You feed, the “refresh” lasts for only 200 videos, after which the algorithm returns to incorporating the user’s pre-“refresh” interactions with the Platform.

284. Defendants designed the “Refresh” feature to reset users’ recommendations only *temporarily*. After the user views or swipes through 200 videos, the Platform’s Recommendation System resumes pushing users’ videos based on *all* of their past engagement data—including from before the so-called “refresh.”

285. For young users previously stuck in rabbit holes, the Recommendation System quickly reintroduces videos based on the same engagement data that led them into the rabbit hole in the first place.

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<sup>102</sup> See Sarah Perez, *TikTok Introduces a Strike System for Violations, Tests a Feature to ‘Refresh’ the For You Feed*, TECHCRUNCH (Feb. 2, 2023), <https://archive.ph/jadQb>.

286. The “Refresh” feature also fails to reset presentation of personalized ads. A young user who activates the “Refresh” feature will still see ads based on their pre-reset engagement history data—ads which are often personalized based on content that pushed the user into a rabbit hole.

287. Defendants did not even make the “Refresh” feature available for some users. Instead, Defendants placed tens of thousands of users who tried to use the “Refresh” feature in a placebo or “ghost” test group through which their feed was not “refreshed” at all, even temporarily, despite Defendants’ representations to the contrary.

288. Contrary to Defendants’ misleading representations, young users may find that they are quickly back in the same rabbit hole again even after using the “Refresh” feature.

*4. Defendants mislead the public about the extent of their content moderation enforcement.*

289. Defendants mislead the public that content moderation policies will be applied across the Platform. To the contrary, Defendants’ content moderation policies are generally not applied to comments or messages, even though 42% of their users only post comments, rather than videos on the app. Although Defendants state that they review “comments and messages,” moderators only review 0.25% of user comments. Such statements are misleading and prevent the public from making informed choices regarding their use of the TikTok Platform, while also exposing youth to harmful harassment, bullying, and solicitation.

290. Defendants mislead the public as to the diligence of their content moderation. To reassure the public of their commitment to content moderation, Defendants publish metrics such as “proactive removal” rate, but this metric simply captures how fast Defendants remove content that they manage to catch, not how much content they manage to catch overall.

291. Internally, Defendants note that their moderation metrics are “largely misleading” because “we are good at moderating the content we capture, but these metrics do not account for the content that we miss. . . .” Although Defendants boast thorough content review processes, they do not disclose significant “leakage” rates, measuring the percentage of violative content that is not

moderated or removed. Internally, Defendants know the rate at which certain categories of content leak through their moderation processes, including: 35.71% of “Normalization of Pedophilia” content; 33.33% of “Minor Sexual Solicitation” content; 39.13% of “Minor Physical Abuse” content; 30.36% of “leading minors off platform”; 50% of “Glorification of Minor Sexual Assault”; and “100% of “Fetishizing Minors.”

292. Defendants’ assurances mislead the public, particularly parents and youth, to conclude that their content moderation is effective, and even improving in effectiveness, while concealing that much of the Platform is not meaningfully moderated at all.

293. Defendants created an internal document titled “Challenges Typology,” which enumerated different types of “challenges” taking place on the TikTok Platform and assigned a “grade” to each one, based on the potential for harm to users that each “challenge” presented.

294. In it, they described the “Blackout Challenge”—also known as the “Choking/Fainting/Pass-Out Challenge”—as follows: “To get a high or faint, kids either choke other kids, press hard on their chests, or hyperventilate. This challenge has resulted in death.” Accordingly, Defendants assigned the “Blackout Challenge” the most severe “grade” on the spectrum of potential harm to users: “Catastrophic.” The “Blackout Challenge” was the only one in the “Challenges Typology” table to receive this “grade.”

295. In January 2021, as an internal report states, a “10 year old [*sic*] Italian girl attempted the blackout challenge on TT [i.e., the TikTok Platform].” The internal report on this challenge, titled “Case Reminder – Blackout Challenge and Associated Challenges Copy,” explicitly refer to the “Blackout Challenge” as “a high risk [*sic*] trend.” TikTok acknowledges the presence of “Blackout Challenge” content on the TikTok Platform and notes that this content has been affiliated with hashtags like “#blackoutchallenge,” “#hangingchallenge,” and “#passoutchallenge.” Defendants’

report further includes screenshot examples of “Standard Cases” of the “Blackout Challenge” on the TikTok Platform.

296. In April 2021, a 12-year-old boy in Colorado died “after allegedly participating in a social media challenge requiring participants to attempt to pass out using household items.” Defendants circulated news of this internally in a report titled “Reactive Messaging: Colorado blackout.”

297. Two months later, in June 2021, Defendants received an inquiry from a reporter about “the ‘blackout’ challenge on TikTok,” as a 13-year-old boy from Massachusetts had died attempting the “challenge.” This news, too, was circulated internally, in a report titled “[PR – Internal] MA blackout-handling media response.”

298. By July 2021, Defendants circulated yet another internal report on the subject, titled “Reactive Messaging: Blackout challenge + petition.” In it, they blamed “[t]he media [for] connecting the various reported incidents of a blackout challenge into a national story which also sparked a petition from the organization Parents Together asking for a ‘mirror’ feed so that parents can watch exactly what their child views on TikTok.”

299. The internal report also included an “approved” official media statement for employees to give to journalists covering the “Blackout Challenge”: “Our deepest sympathies are with the family. We take the safety of our community very seriously and strictly prohibit dangerous challenges on TikTok. *While we have not yet found evidence of a ‘blackout challenge’*, we remain alert and ready to act against any violative content posted.” (emphasis added).

300. Another internal report revealed Defendants’ awareness not only of the presence of “Blackout Challenge” content on the Platform but also the fact that more and more children were dying as a result thereof. This report, titled “‘Blackout challenge’ descriptions,” discussed several cases of the “challenge” that had resulted in the death of a child; the victims of the “Blackout

Challenge” ranged in age from 9- to 13-years old. Among the cases discussed were the 10-year-old girl who died in January 2021 (*see* Paragraph 295). Defendants reflected on her case as follows:

Since the tragic death of a 10-year-old girl in Italy who reportedly participated in the “blackout” challenge she learned about on TikTok, we’ve seen several other reports about young people across the world who’ve ended up hospitalized due to their participation in the challenge. We reviewed media reports to find any consistencies or discrepancies in how the challenge is described to better understand the scope/variations of the “trend.”

301. The report went on to describe the cases of the 12-year-old boy who died in April 2021 and the 13-year-old boy who died in June 2021, as well as the cases of a 9-year-old boy from Tennessee who died attempting the “challenge” in June 2021 and a 12-year-old boy from Oklahoma who lost his life to the “challenge” in July 2021.

302. A September 2021 internal report, titled “Blackout Challenge Media Monitoring: Sep. 24,” was circulated following the publication of an article in *People* about yet another child who died attempting the “Blackout Challenge”—this time, a 10-year-old boy in Georgia.<sup>103</sup> A spokesperson for Defendants was quoted in the article, stating, “We prioritize the safety of our community and strictly prohibit and remove dangerous challenges from our platform. *While we still have not found evidence of a ‘blackout challenge’ trending on our platform,* we remain vigilant in our commitment to user safety.”<sup>104</sup>

303. Three months later, following the death of a 10-year-old girl in Pennsylvania, Defendants took a considerably more aggressive approach in their response to media outlets.

304. Defendants continued to either deny or minimize the existence of the “Blackout Challenge” and any connection to the TikTok Platform, publicly stating, in a *People Magazine* article in

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<sup>103</sup> Joelle Goldstein, *Family of 10-Year-Old Boy Speaks Out After Police Say TikTok Challenge May Have Led to His Death*, PEOPLE (Sept. 24, 2021), <https://archive.is/2S7Gc>.

<sup>104</sup> *Id.* (emphasis added).



December 2021 about the death, “This disturbing ‘challenge,’ which people seem to learn about from sources other than TikTok, long predates our platform and has never been a TikTok trend. We remain vigilant in our commitment to user safety and would immediately remove related content if found. Our deepest sympathies go out to the family for their tragic loss.”

305. Defendants misrepresented to consumers the role of the TikTok Platform in the spread of the “Blackout Challenge” and any similar risks to young people relating to similar challenges caused by using the TikTok Platform.

*5. Defendants deceive the public about the application and enforcement of their Community Guidelines.*

306. Defendants misrepresent the application and enforcement of their “Community Guidelines.” Specifically, Defendants misrepresent how effectively the Guidelines are applied, to whom and what they apply, and the role of experts in forming the Community Guidelines.

*a. Defendants deceive the public about how effectively Community Guidelines are applied.*

307. In their Community Guidelines, as recently as April 30, 2024, Defendants claimed that they “[r]emove violative content from the platform that breaks our rules.”<sup>105</sup>

308. Defendants’ Community Guidelines set out a number of rules as to different types of topics, including not allowing any “violent threats, incitement to violence, or promotion of criminal activities that may harm people, animals, or property,” “hateful behavior, hate speech, or promotion of hateful ideologies,” “youth exploitation and abuse,” “showing, promoting, or sharing plans for suicide or self-harm,” “showing or promoting disordered eating or any dangerous weight loss behaviors,” and “showing or promoting dangerous activities and challenges,” among other rules.

309. Defendants have long made and continue to make statements to this effect, including when speaking to reporters, parents, and government regulators.

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<sup>105</sup> See *Community Guidelines*, TIKTOK (May 17, 2024), <https://tinyurl.com/223ny29y> (last accessed Oct. 7, 2024).

310. For instance, the public and TikTok users heard Shou Chew testify to Congress on March 23, 2023, that “anything that is violative and harmful we remove [from the Platform].”<sup>106</sup>

311. The public again heard Chew testify to Congress on January 31, 2024, and claim that Defendants’ “robust Community Guidelines strictly prohibit content or behavior that puts teenagers at risk of exploitation or other harm -- and we vigorously enforce them.”<sup>107</sup> Defendants repeated that latter statement on their Newsroom website.<sup>108</sup>

312. Defendants use the comprehensiveness of their Community Guidelines to reassure parents and others that their Platform is a safe product for young users. Defendants represent that their Community Guidelines “apply to everyone and everything on our platform.”<sup>109</sup>

313. In a TED Talk in April 2023, Shou Chew explained that Defendants have “very clear community guidelines. We are very transparent about what is allowed and what is not allowed on our platform. No executives make any ad hoc decisions. And based on that, we have built a team that is tens of thousands of people plus machines in order to identify content that is bad and actively and proactively remove it from the platform.”<sup>110</sup>

314. Defendants’ representations about the significance and impact of the Community Guidelines are misleading.

315. Defendants’ actual internal policies and practices have long differed substantially from their Community Guidelines and other public statements, with respect to how Defendants handle both user-generated content and advertisements on the Platform.

316. Even though Defendants’ Community Guidelines claim that content about seductive performances by minors, drugs, gore, and physically dangerous behavior is removed or not

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<sup>106</sup> See Chew Written Testimony, *supra* n.93, at p. 42.

<sup>107</sup> See *Senate Hearing with CEOs of Meta, TikTok, X, Snap and Discord About Child Safety 1/31/24 Transcript*, Rev (Feb. 1, 2024), <https://archive.ph/jumPM>; Clare Duffy, et al., *Mark Zuckerberg Apologizes to Families Over Social Media Harms in Contentious Senate Hearing*, CNN (Jan. 31, 2024), <https://archive.ph/ooWOT>; *TikTok CEO Shou Chew’s Opening Statement – Senate Judiciary Committee Hearing on Online Child Sexual Exploitation Crisis – January 31, 2024*, TIKTOK (Jan. 31, 2024), <https://archive.is/4rbJi> (hereinafter “Chew Opening Statement”).

<sup>108</sup> See Chew Opening Statement, *id.*

<sup>109</sup> See *Community Guidelines*, *supra* n.105.

<sup>110</sup> Chew TED Talk, *supra* n.59, at 15:20.

allowed under their terms of service, in many circumstances, Defendants permit such content to remain on the Platform.

317. Instead of actually removing harmful content from the Platform, as they claim to do, Defendants often simply move certain videos out of users' For You feed. Defendants had different words for this treatment—"Not recommended," "NR," "hard to find"—but the bottom line is that the content remained on the TikTok Platform and could still be viewed by users, and, in many cases, by minors.

318. When content is "not recommended" or made "hard to find" (or the like), it remains visible and available on the TikTok Platform.

319. For example, Defendants' Community Guidelines claim that "content by young people"—meaning minors—"that intends to be sexually suggestive" is prohibited on the Platform. Per the Guidelines, "[t]his includes intimate kissing,<sup>111</sup> sexualized framing,<sup>112</sup> or sexualized behavior.<sup>113</sup>"

320. Defendants do not actually enforce the provision prohibiting "sexually suggestive" content or analogous provisions in prior versions of the Community Guidelines.

321. Rather, videos "performed by a minor with a clear intent to be sexually seductive or to sexually arouse the viewer," such as those with "[p]elvic thrusting," "[b]reast shimmy[ing]," or "fondling the groin or breasts of oneself or another" are not removed from the Platform in the United States.

322. Instead, "sexually suggestive" videos are merely "not recommended."

323. Defendants' training document for their moderators shows pictures of examples of content allowed on the Platform. One such picture shows a minor female standing, holding one leg up past her head, with the camera showing her groin.

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<sup>111</sup> "Intimate kissing" is defined in the Community Guidelines as "kissing that may indicate sexual arousal or the beginning of a sexual interaction."

<sup>112</sup> "Sexualized framing" is defined in the Community Guidelines as "content that intentionally emphasizes clothed intimate body parts through techniques, such as filming, editing, or positioning of the body in front of the camera."

<sup>113</sup> "Sexualized behavior" is defined in the Community Guidelines as "behavior that is intended to be sexually arousing, including performances or repetitive body movements emphasizing intimate body parts, and imitating sexual acts."

324. Despite Defendants’ statements that their Community Guidelines help protect younger users, Defendants’ internal documents show that they know minors posting self-sexualized content creates a risk of sexual predators exploiting minors. Indeed, for that reason, Defendants remove such videos posted *outside* the United States.

325. Similarly, instead of removing “[d]angerous weight-loss behavior” videos—such as videos that promote laxatives to lose weight, or videos that promote losing more than 10 pounds of weight in a week through diet or exercise routines—from the Platform, as stated in the Community Guidelines, Defendants merely internally label the videos “not recommended.”

326. While labeling a video “not recommended” prevents the videos from appearing in users’ For You feeds, they remain visible to and searchable by minors. As Defendants acknowledge in an internal document, this practice harmed minors and contradicted their own experts’ suggestions:

When moderated appropriately, this potentially harmful content is only made “Hard to find[.]”. For much of this content, this enforcement falls short of addressing the potential real-world danger, and does not reflect the recommendations of experts and those with lived experience. Furthermore, the continued presence of the most egregious content (extreme dieting, exercise and weight-loss) undermines TikTok’s efforts to present the Platform as a safe and joyful space for its user base, especially younger demographics.

327. Defendants engaged in similar conduct for other types of videos as well. For example, the Community Guidelines claim that Defendants “do not allow the trade of alcohol, tobacco products, and or [*sic*] drugs” and “do not allow showing, possessing, or using drugs.”<sup>114</sup> The Community Guidelines further disallow “[m]arketing tobacco products, drugs, or other regulated substances” and “[s]howing, possessing, or using drugs or other regulated substances recreationally, including signs of being under the influence.”

328. Yet contrary to this representation and prior similar representations, videos that feature illegal drugs remain on the TikTok Platform. Videos promoting drugs by showing persons “[p]retending to consume drugs (pretending to snort cocaine, inject heroin) without displaying the

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<sup>114</sup> See *Regulated Goods and Commercial Activities, Community Guidelines*, TIKTOK, <https://tinyurl.com/yjtmp3xb> (last accessed Oct. 7, 2024).

substance” were also left on the Platform. Defendants only ceased to promote this content in users’ For You feeds.

329. In some instances, Defendants’ Community Guidelines had policies that were never enforced at all.

330. For instance, a previous version of the Community Guidelines prohibited content that “depicts or promotes the misuse of legal substances . . . in an effort to become intoxicated[.]” But until August 2022, moderators were not told to remove such content, and it therefore remained on the Platform.

331. Similarly, Defendants’ Community Guidelines expressly prohibit content “[s]howing or promoting” “[d]angerous driving behavior, such as exceeding the speed limit, running a red light, or distracted driving (including live streaming while driving).”<sup>115</sup>

332. Despite that representation and prior similar representations, Defendants’ internal policy was clear: “We allow content that may depict dangerous driving.” Again, Defendants merely removed that content from individual users’ For You feeds and personalized push notifications.

333. Defendants also failed to remove content depicting gore even though their current Community Guidelines state: “We do not allow gory, gruesome, disturbing, or extremely violent content.” Gore, like drugs and dangerous driving, remains available on the Platform, even if moved off the individual user’s For You feed.

334. Defendants misrepresented the significance and impact of the Community Guidelines for other parts of the TikTok Platform too.

335. As of April 30, 2024, the Community Guidelines claimed that “[o]ur guidelines listed above also apply to comments and messages.”<sup>116</sup>

336. But Defendants employ an even less restrictive set of rules for direct messages.

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<sup>115</sup> *Mental and Behavioral Health, Community Guidelines*, TIKTOK, <https://tinyurl.com/yx2v3eps> (last accessed Oct. 7, 2024).

<sup>116</sup> *See Community Guidelines, supra* n.105.

337. In another instance, as discussed above, the Community Guidelines claimed that the Platform prohibits “content by young people that intends to be sexually suggestive.”<sup>117</sup> Videos of those performances are “not recommended” in the For You feed, but Defendants do not prohibit or in any way reduce the visibility of such videos when they are sent via direct message.

338. Similarly, content showing minors possessing or using drugs, alcohol, and tobacco are, according to the Community Guidelines, forbidden from the Platform.<sup>118</sup> But Defendants fail to enforce that rule for direct messages.

339. Although Defendants tout their moderators, internally they know that much of their moderation “is not scalable” and often fails because Defendants created an ineffective system.

340. Moderators are not given enough time or proper tools to moderate content. For many types of content, moderators are required to spend an average of 30 seconds per video to moderate, even though many videos are far longer than that. This results in moderators “scrubbing” through videos and only viewing parts—leaving substantial amounts of content not meaningfully reviewed.

341. Notwithstanding that practice, Defendants repeatedly sought to reduce average handling time even further. That led to pornography being widely shared.

342. Even though Defendants did not comply with their own Community Guidelines, Defendants encouraged their employees to misrepresent to consumers the extent, or lack thereof, of their enforcement of the Community Guidelines, including through messaging designed to create the false impression that Defendants do not permit violative content to remain on the Platform.

343. For example, when managing negative fallout after press reported that a child was in the emergency room after attempting a dangerous TikTok challenge, Defendants’ internal list of talking points for press advised employees to say: “In line with our Community Guidelines, we do not allow content that depicts, promotes, normalizes, or glorifies [dangerous] behavior, including dangerous challenges. . . .”

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<sup>117</sup> *Sensitive and Mature Themes, Community Guidelines*, TIKTOK, <https://tinyurl.com/bpab3kbn> (last accessed Oct. 7, 2024).

<sup>118</sup> See *Regulated Goods and Commercial Activities*, *supra* n.114.

**b. Defendants misrepresent who is subject to their Community Guidelines.**

344. On their website, Defendants state that they apply their Community Guidelines “to everyone and everything on our platform.”<sup>119</sup> That is false and misleading, because contrary to what they represent, Defendants treat some users differently.

345. Upon information and belief, after being urged by creator management teams—which work with popular Creators to produce content for the Platform—Defendants allowed otherwise violative content to remain on their Platform.

346. One internal analysis in August 2020 noted that “creator management teams sometimes urge policy approval [for important Creators’ videos that violate the Community Guidelines] on the grounds that it is ‘important for the company to succeed.’”

347. Even when Defendants’ moderation team wanted to enforce the Community Guidelines, certain groups of users including “Top Creators” “have extra protection – default is that [standard Community Guidelines] enforcement doesn’t take effect unless [a separate group] actively intervene[s].”

348. For accounts that Defendants “deem[ed] to be high value,” an internal analysis in August 2020 found that Defendants regularly, and by their own assessment in violation of their policies, allowed “problematic content” to remain on the Platform.

349. Defendants’ representations that Community Guidelines apply to everyone misleads the public, while also allowing violative content to remain accessible to young users.

**c. Defendants misrepresent their incorporation of expert recommendations related to safety into their Community Guidelines.**

350. Defendants announce on their website that their Community Guidelines “are informed by international legal frameworks, and industry best practices, including the UN Guiding Principles on Business and Human Rights, the International Bill of Human Rights, the Convention on the

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<sup>119</sup> See *Community Guidelines*, *supra* n.105.

Rights of Children, and the Santa Clara Principles,” with “input from our community, safety and public health experts, and our Advisory Councils.”<sup>120</sup>

351. However, Defendants’ conduct contradicts these representations to the public, contradicting expert recommendations related to safety and known to TikTok.

352. For example, in a February 2022 internal policy proposal, Defendants’ employees noted that their failure to remove dangerous weight loss content “does not reflect the recommendations of experts and those with lived experience.”

353. In addition to failing to implement expert recommendations related to safety, Defendants publicly misrepresent what experts recommended.

354. For instance, users and the public heard Shou Chew testify before Congress in March 2023 that Defendants are working with experts to build policies for content that is “not inherently harmful, like some of the extreme fitness videos about people running 100 miles” but can become harmful if shown too much. Mr. Chew said that “the experts are telling us that we should disperse [this content] more, and make sure that they are not seen too regularly. . . [e]specially by younger users.”<sup>121</sup>

355. Two years earlier, however, Defendants knew that the experts they consulted in connection with internal policy analysis in 2021 “unanimously” recommended a different strategy instead of dispersion to deal with dangerous rabbit holes. The internal analysis noted that the consulted experts recommended an approach that “increased user agency, and building algorithm changes that afford users the opportunity to find other interesting content that shifts away from a given rabbit hole. . . .”

356. Defendants misrepresent, with the intent that consumers rely on those misrepresentations, what experts recommended related to safety and how Defendants apply such expert recommendations.

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<sup>120</sup> *Community Principles, Community Guidelines*, TIKTOK, <https://tinyurl.com/y49kmw5p> (last accessed Oct. 7, 2024).

<sup>121</sup> Chew Written Testimony, *supra* n.93, at p. 42-43.



**VII. Defendants deceive the public about the harmful effects of their Platform and conceal their prioritization of profit over safety.**

357. Defendants, though aware of the potential harms caused by their Platform and the insufficiency of their attempts to mitigate those harms and promote healthy use, nonetheless misrepresented the safety and appropriateness of the product for young users, including:

- a. On Defendants’ website, the company represents: “We care deeply about your well-being and seek to be a source of happiness, enrichment, and belonging. . . . We work to make sure this occurs in a supportive space that does not negatively impact your physical or psychological health.”<sup>122</sup>
- b. In the publicly available written testimony to Congress on March 23, 2023, viewed by TikTok users, CEO Shou Chew, who previously explained that he is “responsible for all the strategic decisions at TikTok”<sup>123</sup> stated: “Safety and wellness—in particular for teens—is a core priority for TikTok.”<sup>124</sup>
- c. Shou Chew further testified: “[T]here are more than 150 million Americans who love our platform, and we know we have a responsibility to protect them, which is why I’m making the following commitments to you and to all our users. Number one, we will keep safety particularly for teenagers as a top priority for us.”<sup>125</sup>
- d. In a TED Talk in April 2023, that had been publicly viewed almost 3 million times by May 31, 2024, Shou Chew referred back to his commitments before Congress, reiterating his first commitment “that we take safety, especially for teenagers, extremely seriously, and we will continue to prioritize that.”<sup>126</sup> He went on to say, “[y]ou know, I believe that [we] need to give our teenage users, and our users in general,

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<sup>122</sup> See *Mental and Behavioral Health*, *supra* n.115.

<sup>123</sup> See Celine Kang, *Who is Shou Chew, TikTok’s Chief Executive?*, N.Y. TIMES (Mar. 23, 2023), <https://archive.ph/Rp9t9>.

<sup>124</sup> See Chew Written Testimony, *supra* n.93.

<sup>125</sup> See *id.*

<sup>126</sup> See Chew TED Talk, *supra* n.59.

- a very safe experience . . . . If they don't feel safe, we cannot fulfill our mission. So, it's all very organic to me as a business to make sure that I do that."<sup>127</sup>
- e. A major public-relations problem for Defendants was the "Blackout Challenge." The media reported that children died after copying a trend on the Platform of suffocating themselves. As recently as April 2022, Defendants maintained an official media statement in response to the death of a Colorado child and a Pennsylvania child, stating in part: "At TikTok, we have no higher priority than protecting the safety of our community, and content that promotes or glorifies dangerous behavior is strictly prohibited and promptly removed to prevent it from becoming a trend on our platform." Many media outlets, such as The Associated Press, NBC, *The New York Post*, *Newsweek*, and *People* reported this statement attributable to Defendants in April 2021 and May 2022.<sup>128</sup>
- f. Defendants tout their so-called "safety features" that, ostensibly, render the Platform safe. For instance, in a March 1, 2023 blog post, Defendants announced a series of features that allegedly increased the safety of the Platform. The blog post, under the "Safety" section of Defendants' website, claimed that "[t]hese features add to our robust existing safety settings for teen accounts."<sup>129</sup>
- g. Similarly, in an October 17, 2022 post on the TikTok website, Defendants claimed the Platform was safe: "We have a vibrant and inspiring community on TikTok, and it's

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<sup>127</sup> *Id.*

<sup>128</sup> See, e.g., Chantal Da Silva, *Mother Sues TikTok After Daughter Dies Following "Blackout Challenge,"* NBC NEWS (May 13, 2022), <https://archive.ph/8DAuq>; Matthew Impelli, *TikTok Blackout Choking Challenge Leads to 12-Year-Old Boy Becoming Brain Dead,* NEWSWEEK (Mar. 30, 2021), <https://archive.ph/Pgd9e>; Joshua Rhet Miller, *Colorado Boy Left Brain-Dead After TikTok "Blackout Challenge" Dies,* N.Y. POST (Apr. 14, 2021), <https://archive.ph/FzxYD>; Naledi Ushe, *Colorado Boy, 12, Dies 19 Days After Choking Himself in "Blackout Challenge" Found on TikTok,* PEOPLE (Apr. 14, 2021), <https://archive.ph/aqbrs>; *Colorado Boy Dies After Taking Part in "Blackout Challenge,"* ASSOCIATED PRESS (Apr. 14, 2021), <https://archive.ph/dyatx>.

<sup>129</sup> See Cormac Keenan, *New Features for Teens and Families on TikTok,* TIKTOK (Mar. 1 2023), <https://archive.is/PqN0B>.

important that our platform remains a safe, supportive, and joyful place for our community.”<sup>130</sup>

358. While engaging in these and similar misrepresentations, Defendants designed and operate their Platform to prioritize user engagement and actively conceal the risks their Platform poses to young users.

## VIOLATIONS OF LAW

### COUNT I

#### THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT

359. The People of the State of Illinois reallege and re-incorporate herein by reference each of the allegations contained in Paragraphs 1 through 358 above as though fully alleged in this cause of action.

360. Section 2 of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2, states, in relevant part:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact . . . in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby.

361. In numerous instances in the course of trade or commerce, including through the allegations in Paragraphs 1 through 358 above, Defendants engaged in deceptive acts and practices, including the following deceptive acts and practices with the intent that consumers rely on the deceptive conduct:

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<sup>130</sup> See *Enhancing the LIVE Community Experience with New Features, Updates, and Policies*, TIKTOK (Oct. 17, 2022), <https://archive.is/4coKi>.

- A. Misrepresenting, directly or indirectly, expressly or by implication or omission, that the TikTok Platform is not psychologically or physically harmful for young users, when Defendants had knowledge that it is;
- B. Misrepresenting, directly or indirectly, expressly or by implication or omission, that the TikTok Platform is not designed to induce young users' compulsive and extended use, when it is in fact so designed;
- C. Misrepresenting, directly or indirectly, expressly or by implication or omission, that the TikTok Platform is less addictive and/or less likely to result in psychological and physical harm for young users than their Platform in fact is;
- D. Misrepresenting, directly or indirectly, expressly or by implication or omission, through the publication of Community Guidelines and omission of material data from those reports, and through other communications, that the incidence or prevalence of negative or harmful material on TikTok's Platform is lower than it actually is;
- E. Misrepresenting, directly or indirectly, expressly or by implication or omission, that it prioritized young users' health and safety and that the Platform was safe and appropriate for young users, when in fact Defendants knew they did not take full action to protect young users' health and safety and that they designed the Platform to prolong young users' time on the Platform;
- F. Misrepresenting, directly or indirectly, expressly or by implication or omission, that the TikTok Platform's collection of user data was not for the purpose of causing those users to become addicted to the Platform, when, in reality, that was one of the purposes for which Defendants collected user data;

- G. Misrepresenting, directly or indirectly, expressly or by implication or omission, that the TikTok Platform included, and/or that Defendants' internal procedures would provide, features or processes for protecting young users that the Platform and Defendants did not, in fact, include or provide.

362. In numerous instances in the course of trade or commerce, including through the allegations in Paragraphs 1 through 358 above, Defendants engaged in the following unfair acts and practices:

- A. Targeting the TikTok Platform to young users while knowingly designing the Platform to include features that Defendants knew to be psychologically and physically harmful to young users—including features known to promote compulsive, prolonged, and unhealthy use by young users;
- B. Utilizing Platform features that unfairly harm young users independently of any actions taken by third-party users of the TikTok Platform. These features include infinite scroll, ephemeral content features, autoplay, quantification and display of “Likes,” user appearance altering features, and disruptive alerts, all of which were unfairly utilized by Defendants to extract additional time and attention from young users whose developing brains were not equipped to resist those manipulative tactics;
- C. Designing, developing, and deploying disruptive audiovisual and vibration notifications and alerts and ephemeral content features in a way that unfairly exploited young users' psychological vulnerabilities and cultivated a sense of “fear of missing out” in order to induce young users to spend more time than they would otherwise choose on the TikTok Platform;

- D. Algorithmically pushing videos to young users in a way that employs the well-understood neurological phenomenon of “intermittent variable rewards,” thereby manipulating dopamine releases in young users, unfairly inducing them to engage repeatedly with the TikTok product; and
- E. Inducing young users and parents into using/allowing the use of the Platform with public statements of the Platform’s safety and appropriateness for young users, and of Defendants’ prioritization of and commitment to the safety and wellbeing of young users on the Platform, while at the same time knowingly developing the Platform to induce excessive and unhealthy use by young users.

363. Defendants had information about and a thorough understanding of the mental and physical harms and addiction young users of the TikTok Platform could suffer. Instead of taking adequate measures to mitigate these damaging effects or warning young users or parents about these negative effects, Defendants turned a blind eye to them and persisted in exploiting young users’ psychological vulnerabilities. Defendants’ acts and practices alleged herein are immoral, unethical, oppressive, and unscrupulous, including because they constitute knowing decisions causing unnecessary and unjustified harm to young users for Defendants’ financial gain.

364. Defendants’ acts and practices alleged herein, including their actions taken to encourage young users’ compulsive and unhealthy use of and addiction to the TikTok Platform, are offensive to public policy, as defined by statute and common law. The Illinois legislature has expressed a public policy goal of protecting youth from the harms of addiction and related afflictions. *See, e.g.*, Juvenile Court Act of 1987, Article IV (“Addicted Minors”), 705 ILCS 405/4-1 *et seq.*; Juvenile Drug Court Treatment Act, 705 ILCS 410 (recognizing public policy goal of reducing juvenile addiction to drugs); Illinois Gambling Act, 230 ILCS 10 *et seq.* (recognizing policy issues related

to “[c]ompulsive gambling” and prohibiting minors from casino gambling). The protection of minors from the harms of addiction and related afflictions are well-established objectives underlying public policy in Illinois; Defendants’ acts and practices alleged herein, including their actions taken to encourage young users’ compulsive and unhealthy use of and addiction to the TikTok Platform, are therefore offensive to public policy.

365. Defendants’ acts and omissions alleged herein can cause substantial injury to consumers that could not be reasonably avoided. Young users cannot reasonably avoid injuries resulting from Defendants’ acts and omissions for numerous reasons. Such reasons include, but are not limited to, Defendants’ misrepresentations and failure to disclose the dangerous nature of the TikTok Platform and their use of psychologically manipulative engagement-inducing features, knowing that young users are especially susceptible to those features and are not aware that they are being used.

## COUNT II

### THE ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT

366. The People of the State of Illinois reallege and incorporate herein by reference each of the allegations contained in Paragraphs 1 through 358 above as though fully alleged in this cause of action.

367. Section 2 of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2, states, in relevant part:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to . . . the use or employment of any practice described in Section 2 of the “Uniform Deceptive Trade Practices Act”, approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby.

368. Section 2 of the Illinois Uniform Deceptive Trade Practices Act provides, in relevant part, that a person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, the person:

- A. represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have (815 ILCS 510/2(a)(5));
- B. represents that goods or services are of a particular standard, quality, or grade or that goods are a particular style or model, if they are of another (815 ILCS 510/2(a)(7)); and
- C. engages in any other conduct which similarly create a likelihood of confusion or misunderstanding (815 ILCS 510/2(a)(12)).

369. Defendants, in the course of trade or commerce, engaged in conduct described in Sections 2(a)(5), (7), and (12) of the Uniform Deceptive Trade Practices Act by:

- A. Representing that the TikTok Platform is safe and appropriate for young users and is not designed to induce young users' compulsive and extended use, when it is not always safe and is, in fact, so designed;
- B. Representing that the TikTok Platform is less addictive and/or less likely to result in psychological and physical harm for young users than it is in reality;
- C. Representing, through the publication of Community Guidelines and intentional omission of material data from those reports, as well as through other communications, that the incidence or prevalence of negative or harmful material on the TikTok Platform is lower than it actually is;



- D. Representing that Defendants prioritized young users' health and safety and that the Platform was safe and appropriate for young users, when in fact Defendants knew they did not take full action to protect young users' health and safety and that they designed the Platform to prolong young users' time on the Platform;
- E. Representing that the TikTok Platform's collection of user data was not for the purpose of causing those users to become addicted to the Platform, when in reality that was one of the purposes for which Defendants collected user data; and
- F. Representing, directly or indirectly, expressly or by implication or omission, that the TikTok Platform included, and/or that Defendants' internal procedures would provide, features or processes for protecting young users that the Platform and Defendants did not, in fact, include or provide.

**PRAYER FOR RELIEF**

Wherefore, the People of the State of Illinois pray that this Honorable Court enter an Order:

- A. Finding that Defendants violated Section 2 of the Consumer Fraud Act, 815 ILCS 505/2, by engaging in unlawful acts and practices including, but not limited to, the unlawful acts and practices alleged herein;
- B. Issuing a permanent injunction pursuant to 815 ILCS 505/7 to prevent future violations of the Consumer Fraud Act;
- C. Ordering Defendants to pay penalties up to \$50,000 per unfair or deceptive act or practice and an additional amount of \$50,000 for each act or practice found to have been committed with the intent to defraud, as provided in Section 7 of the Consumer Fraud Act, 815 ILCS 505/7;

- D. Ordering Defendants to pay monetary relief, including disgorgement of revenues pursuant to 815 ILCS 505/7;
- E. Ordering Defendants to pay all costs of the State of Illinois in bringing this action, pursuant to 815 ILCS 505/10; and
- F. Awarding any other and additional relief as the Court may determine to be just and proper.

Respectfully Submitted,

The People of the State of Illinois,  
by Kwame Raoul, Attorney General of Illinois

  
\_\_\_\_\_  
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